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The situation in Afghanistan

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The situation in Afghanistan and its implications for international peace and security

Report of the Secretary-General

I. Introduction

1. The present report is submitted pursuant to General Assembly resolution 68/11 and Security Council resolution 2344 (2017), in which I was requested to report every three months on developments in Afghanistan.

2. The report provides an update on the activities of the United Nations in Afghanistan, including political, humanitarian, development and human rights efforts, since the issuance of my previous report on 15 June 2017 (A/71/932-S/2017/508). It also provides a summary of key political and security developments and regional and international events relating to Afghanistan. In the interim, a special report on the strategic review of the United Nations Assistance Mission in Afghanistan (UNAMA) was issued on 10 August 2017 (A/72/312-S/2017/696).

II. Relevant developments

3. The National Unity Government faced increasingly vocal opposition from a variety of political figures, who became more active in mobilizing supporters following the announcement of an electoral date for 2018. The formation of the "Council for the Salvation of Afghanistan", which unites leading figures from three major political parties, created an opposition bloc with a support base predominately in the north of Afghanistan as well as affiliations in other parts of the country. The Independent Election Commission announced 7 July 2018 as the date for parliamentary and district council elections and made progress on electoral preparations, including steps towards improving the credibility of the electoral process, despite persistent public scepticism. The security situation remained highly volatile, as the Government and the Taliban exchanged control of several district centres during the reporting period, with casualties on both sides. A number of high-profile security incidents, including a suicide attack on a Shia mosque in the city of

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Herat on 1 August, mass killings in Sari Pul Province from 3 to 5 August and a suicide attack on a Shia mosque in Kabul on 25 August, drew widespread condemnation while prompting fears of rising sectarian tension and further intensifying public criticism of the Government for not being able to provide security. Civilians continued to suffer disproportionately from the conflict, with continuing high levels of civilian casualties and displacement. Relations between Afghanistan and Pakistan showed signs of improved cooperation in some areas. Afghanistan continued its regional engagement both bilaterally and through multilateral forums, in particular with the five Central Asian States. There was no tangible progress towards a peace process between the Government and the Taliban.

A. Political developments

4. My previous periodic report was issued in the middle of a month of political crisis, precipitated by the massive truck-borne suicide attack on 31 May, which was carried out in the heart of the city of Kabul. The attack resulted in demonstrations against the Government, which was accused by protestors of failing to protect its citizens. This perception was further exacerbated when several demonstrators were killed during the protests, allegedly by security officials. A subsequent attack at the funeral of one of the deceased protestors could have led to the killing of a number of key members of the Jamiat-e Islami political party, including the Chief Executive, Abdullah Abdullah, and the Minister for Foreign Affairs, Salahuddin Rabbani. This led prominent Jamiat-affiliated politicians to publicly accuse the Government of a conspiracy and prolonged public demonstrations and street blockades in Kabul. Mr. Abdullah declined to resign, despite calls to do so from some prominent Jamiat-e Islami members. On 20 June, the Government forcibly removed the last street blockades in Kabul, during which one protestor was killed and five others injured by Afghan security forces, leading to fears of escalating violence. This did not materialize, and the Eid holidays marking the end of Ramadan gave way to a period of relative calm. However, the events of the month had caused a significant shift in the political climate, with a marked rift in the relationship between the President, Ashraf Ghani, and key members of the Jamiat-e Islami party.

5. In this political and security context, a new political dynamic emerged, characterized by a consolidation of authority within the National Unity Government around the President. Mr. Ghani and Mr. Abdullah reached consensus on high-level appointments, which had previously represented a source of contention between the two leaders. During the reporting period, the President nominated several new ministers, including a new Minister of the Interior and a new head of the Independent Directorate of Local Governance, and replaced all nine commissioners of the Independent Administrative Reform and Civil Service Commission. However, the parliamentary approval process for ministers remained challenging, as the legislature continued to assert its prerogatives against the executive branch; a number of ministers are currently serving in an acting capacity.

6. Relations between the President and Jamiat-e Islami were further exacerbated following a tense stand-off in Mazar-e Sharif on 14 August between a member of the Provincial Council, Asif Momand, and forces loyal to the Governor of Balkh Province, Atta Noor, who is also the Chief Executive of the Jamiat party. The incident culminated in a shoot-out between the Governor's forces and armed Hizb-i Islami affiliates, who supported Mr. Momand. Subsequently, Mr. Momand was transferred to the custody of the National Directorate of Security, where he remained until his release on 17 August.

7. Relations also remained tense between the President and the Junbish-e Milli party, whose leader, the First Vice-President, Abdul Rashid Dostum, remains under indictment for the alleged arbitrary detention and sexual assault of a political rival in November 2016. Despite persistent rumours of his imminent return and an aborted attempt to do so on 17 July, Mr. Dostum remained in Ankara, where he has officially been undergoing medical treatment since 19 May. On 9 July, pretrial proceedings began in the case against the First Vice-President and nine co-defendants, none of whom appeared before the court.

8. On 22 June, the Independent Election Commission announced 7 July 2018 as the date for parliamentary and district council elections. The announcement had a galvanizing effect on political actors and provided a new outlet for political activity, including among groups that had previously called for non-constitutional measures to replace the National Unity Government. In the following weeks, a number of opposition figures and groups began to build coalitions aimed at contesting the elections. These emerging opposition coalitions coalesced around criticism of the Government and the deteriorating security and economic situation, as well as perceptions of a growing concentration of power within the Presidential Palace.

9. The largest new group announced itself in Ankara on 29 June, as Mr. Dostum, Mr. Noor and the Second Deputy Chief Executive, Mohammad Mohaqiq, declared an alliance, the "Coalition for the Salvation of Afghanistan", which unites figures from the Jamiat-e Islami, Hezb-i Wahdat Islami Mardum-e Afghanistan and Junbish-e Milli parties and draws from sizeable constituencies within the Tajik, Uzbek and Hazara communities. The cooperation between Jamiat and Junbish was a particularly notable development, given the parties' long and occasionally violent rivalry. To date, the alliance has mobilized its northern support base while attempting to forge links with other opposition figures. Mr. Noor led a coalition rally in Mazar-e Sharif on 1 August, which was attended by some 3,000 people; Jamiat figures such as Mr. Abdullah and Mr. Rabbani were absent. Another rally was held in Jalalabad on the same day to inaugurate the "Council of the East", consisting of parliamentarians from the eastern provinces, who subsequently travelled to Mazar-e Sharif for discussions with Mr. Noor. Yet another group of opposition figures announced the formation of Mehwar-e Mardom-e Afghanistan ("Axis of the People of Afghanistan"), which features a number of Cabinet officials from the former Karzai administration.

10. Other groupings also appeared energized by the announcement of an election date. The Afghanistan Protection and Stability Council, which includes the former Minister of the Interior, Umar Daudzai, and the former mujahidin leader, Abdul Rasul Sayyaf, made public statements and began to seek out allies. Similarly, the leader of the New National Front, Anwar ul-Haq Ahady, held several meetings with other opposition figures, including with Mr. Dostum and representatives of the Afghanistan Protection and Stability Council. The Hizb-i Islami political grouping also took steps towards election preparations. At a press conference on 6 July, its founder, Gulbuddin Hekmatyar, announced the unification of the registered party Hizb-i Islami Afghanistan with his own Hizb-i Islami Gulbuddin faction. He also stated that the new party would continue to support the political system. However, the two wings of the party continued to retain separate party structures in many provinces.

11. Street demonstrations decreased in size and intensity during the reporting period. Following the removal of its protest tents from the streets of Kabul in late June, the Tajik-dominated Uprising for Change movement redirected its focus on initiating cooperation with parts of the political establishment. On 23 July, the President met with activists of the Hazara-dominated Enlightenment Movement and

promised a joint commission to explore development opportunities in the Hazara-majority Central Highlands.

12. Following the announcement of an election date, technical and operational preparations commenced. On 7 August, the Independent Election Commission launched an assessment to ensure that polling stations were optimally located in public buildings to serve all communities. With the assistance of the United Nations, on 14 August, the Commission submitted specifications for biometric voter registration technology to the National Procurement Authority, and on 17 August, the Authority initiated a limited tendering process for the technology. The reregistration of eligible Afghan voters with biometric technology would allow the Commission, for the first time, to compile polling station-specific voter lists.

13. Key political decisions for the elections remain pending. According to the Independent Election Commission road map, presented on 5 July, they included decisions on electoral constituencies, the use of technology for voter verification, polling and results management and funding modalities for the electoral process. Meanwhile, many parties and civil society organizations have expressed scepticism about the will and the capacity of the Government to organize credible elections, citing both security concerns and doubts about the independence of the Independent Election Commission.

14. No discernible progress has been made in fostering negotiations between the Government and the Taliban. The High Peace Council, under its new Chair, Karim Khalili, continued to revise its strategy and workplans within the overall framework of the President's vision for peace as outlined to international donors in April. UNAMA has continued its formal dialogue with the Taliban in an effort to seek a political solution to the continuing conflict. The Joint Executive Commission, responsible for the implementation of the peace agreement between the Government and Hizb-i Islami Gulbuddin, has been folded into the High Peace Council. As part of its efforts to support local-level peacebuilding, UNAMA facilitated three local peace initiatives covering six different provinces during the reporting period, including a dialogue between elders from two districts of Kandahar Province and a series of consultations with independent religious figures in Khost Province.

B. Security

15. The conflict continued unabated throughout the country. The United Nations recorded 5,532 security-related incidents from 15 June to 31 August 2017, representing an increase of 3 per cent compared with the same period in 2016. By the end of August 2017, the United Nations had recorded more than 16,290 security-related incidents for the first eight months of the year. The continuing high numbers are attributed mainly to armed clashes, which represent 64 per cent of the total security incidents and have increased by 5 per cent since 2016. The record level of armed clashes seen during 2017 reinforced the shift in the conflict evident since earlier in the year, away from asymmetric attacks towards a more traditional conflict pattern characterized by often prolonged armed clashes between government and anti-government forces. Asymmetric attacks, such as detonations of improvised explosive devices, suicide attacks, assassinations and abductions, decreased by 3 per cent compared with the same period in 2016 but remained the main cause of civilian casualties. The eastern region experienced the highest number of incidents, followed by the southern region.

16. The conflict has further evolved because of the Government's strategic decision, as a result of Taliban gains in rural areas, to focus its resources on defending population centres and disrupting the consolidation of Taliban control

over strategic areas. This change has led to an increasing number of clashes for control over lines of communication and vital infrastructure. In addition, the more secure hold of the Taliban over some rural areas has allowed them to undertake more frequent attacks in the north of Afghanistan.

17. The Taliban maintained their ability to contest territory across the country, compelling the Government to devote significant resources to maintain the status quo. In contrast with 2016, the Taliban have not launched any major attempts to capture a provincial capital since the announcement of their Operation Mansouri offensive in April. However, the Taliban were able to overrun and temporarily hold several district centres, including Taywara in the western province of Ghor, Kohistan and Ghormach in the northern province of Faryab and Jani Khel in the eastern province of Paktiya. The Afghan National Defence and Security Forces recaptured Taywara and Kohistan within a week, while control of Jani Khel changed three times during the reporting period. In the north-east, the Taliban put intense pressure on Qaramol, Dawlat Abad, Shirin Tagab and Khwajah Sabz Posh districts along the Maimana-Andkhoy highway in Faryab Province. In the south, the Taliban intensified their attacks on districts adjacent to the provincial capitals of Kandahar and Lashkar Gah, as well as on the Kabul-Kandahar highway. On 17 July, Afghan forces recaptured Nawah-ye Barakzai district in Helmand Province, which had been under Taliban control since October 2016.

18. The Government continued to implement its four-year plan on security sector reform, with the goals of increasing the capability of government forces, fighting corruption, improving security leadership and aligning operations with overall policy objectives, which was approved by presidential decree in May 2017. As part of the plan, the authority over the Afghan Border Police has been authorized for transfer from the Ministry of the Interior to the Ministry of Defence. On 20 August, the Special Forces of the Afghan National Army were elevated from division to corps level, which has as a target to double its personnel to 30,000 by the end of 2017. Nevertheless, the Government continued to face increasing challenges owing to the high levels of attrition in the Afghan National Army and the Afghan National Police as a result of casualties and desertion as well as difficulties in securing new recruits, in particular at the officer entry level.

19. While Islamic State in Iraq and the Levant-Khorasan Province (ISIL-KP) operations remain mostly limited to eastern Afghanistan, the group claimed responsibility for eight significant attacks nationwide during the reporting period. The group consolidated its presence in Kunar Province and succeeded in re-establishing operational capacity in areas of Nangarhar Province that previously had been cleared by Afghan security forces. Elsewhere, alleged ISIL-KP activities were reported in the northern provinces of Jowzjan and Sari Pul, as well as in the western provinces of Herat and Ghor, indicating that the group may have attracted affiliates in areas beyond its stronghold in the east.

20. Several high-profile security incidents during the reporting period led to a further deterioration of public confidence in the Government's security arrangements. The attack on a Shia mosque in Herat on 1 August killed over 90 people and drew widespread condemnation from both the Afghan public and the international community. The Taliban and self-proclaimed ISIL-KP affiliates launched an attack on the Mirza Olang area of Sayyad district in Sari Pul Province, leading to clashes from 3 to 5 August with local pro-government militia and allegations of mass killings of civilians. A subsequent investigation by UNAMA, including a fact-finding mission to the affected district, indicated that at least 36 people had been killed in the attack, many of them civilians or personnel hors de combat. As in Herat, the majority of the documented casualties were Shia. Another

attack on a Shia mosque occurred in Kabul on 25 August, killing 28 civilians, with ISIL-KP claiming responsibility.

21. At a summit of defence ministers of the North Atlantic Treaty Organization (NATO), held in Brussels on 29 June, NATO allies and partners reaffirmed their commitment to Afghanistan until the end of 2020 and several allies announced increased troop contributions to the NATO Resolute Support Mission. However, troop deployment numbers remain significantly below the authorized levels. On 21 August, following the conclusion of a policy review by the United States of America on South Asia, the President of the United States, Donald Trump, announced a new strategy for Afghanistan and that United States troops would remain in Afghanistan in line with conditions on the ground.

22. Following the suicide attack near the diplomatic "Green Zone" in Kabul on 31 May, the Government upgraded security arrangements in the centre of the city. Several diplomatic missions had scaled down their staffing levels in the capital after the attack, leading to a significant overall decrease in the international footprint. UNAMA remained staffed at full capacity. During the reporting period, there were five incidents involving United Nations personnel, including three incidents of intimidation, one criminal case and one incident of abduction. On 13 August, two United Nations staff members who had been abducted on 8 June in Paktiya Province were released.

C. Regional cooperation

23. The bilateral relationship between Afghanistan and Pakistan showed some signs of improved cooperation, as both countries took steps to improve relations. During a visit by the Minister for Foreign Affairs of China, Wang Yi, on 24 and 25 June, Afghanistan and Pakistan agreed to establish a crisis control mechanism for emergency communications, and, as a result, the three countries created a ministerial-level trilateral dialogue mechanism. On 2 July, Pakistan appointed a new Ambassador to Afghanistan, a post that had been vacant for several months. Following a visit by a senatorial delegation from the United States to Islamabad and Kabul from 2 to 4 July, Afghanistan and Pakistan agreed to conduct coordinated security operations against terrorist groups along the border, with monitoring and verification by the United States. On 15 August, the Foreign Secretary of Pakistan, Tehmina Janjua, visited Kabul on one of her first foreign trips, meeting with the President of Afghanistan to discuss ways of building mutual trust.

24. The Government continued its multilateral engagement through mechanisms such as the Heart of Asia — Istanbul Process. An expert meeting of the Process, on trade, commerce and investment opportunities, was held in Delhi from 6 to 8 August, with participants reaffirming their commitment to enhancing economic and connectivity cooperation. The Government focused increasingly on its relationship with the five Central Asian States, as the President made a number of visits to the region. The President visited Turkmenistan on 3 July, where he signed several bilateral transport agreements, and on 6 July he visited Dushanbe for a trilateral dialogue between Afghanistan, Pakistan and Tajikistan.

25. Negotiations restarted on a bilateral comprehensive strategic cooperation agreement between Afghanistan and the Islamic Republic of Iran, which is aimed at improving cooperation in the areas of security, the economy, refugees, culture and education. On 17 and 18 June, the first meeting of five technical committees was convened in Tehran. However, water remained an issue of contention between the two countries. On 3 July, at the International Conference on Combating Sand and Dust Storms, the President of the Islamic Republic of Iran, Hassan Rouhani, criticized the

construction of dams in Afghanistan. The remarks generated a public backlash in Afghanistan, with street demonstrations in the cities of Herat, Kabul, Kandahar and Jalalabad. The remarks were interpreted as undermining the right of Afghanistan to manage its own water resources. On 24 July, the National Security Adviser, Hanif Atmar, visited Tehran for consultations with his counterpart on counter-terrorism issues. On 5 August, President Ghani attended President Rouhani's inauguration ceremony in Tehran.

III. Human rights

26. On 17 July, UNAMA released its midyear report on the protection of civilians in armed conflict. Between 1 January and 30 June, the Mission documented 5,243 civilian casualties (1,662 deaths and 3,581 injured), on a par with civilian casualty figures documented in the same period in 2016. Conflict-related violence also destroyed livelihoods, homes and property, displaced thousands of families and restricted access to education, health and other services. UNAMA attributed 67 per cent of all civilian casualties to anti-government elements (43 per cent to the Taliban, 19 per cent to unidentified anti-government elements and 5 per cent to ISIL-KP), 18 per cent to pro-government forces (15 per cent to Afghan national security forces, 2 per cent to international military forces and 1 per cent to pro-government armed groups), 10 per cent to unattributed crossfire during ground engagements between anti-government elements and pro-government forces, 4 per cent to unattributed explosive remnants of war and 1 per cent to cross-border shelling.

27. The indiscriminate and unlawful use of combined improvised explosive device tactics by anti-government elements in civilian-populated areas, particularly suicide bombs and pressure-plate devices, accounted for 2,079 civilian casualties (596 deaths and 1,483 injured), or 40 per cent of all civilian casualties. Ground engagements between pro-government forces and anti-government elements were the second leading cause of civilian casualties (434 deaths and 1,375 injured). Women casualties increased by 23 per cent compared with the same period in 2016. The Mission documented 1,557 child casualties (436 deaths and 1,141 injured), accounting for 30 per cent of the total civilian casualties.

28. During the first six months of 2017, UNAMA documented 32 conflict-related incidents targeting or affecting access to health services or health-care workers, which resulted in 58 civilian casualties (27 deaths and 31 injured) and 18 civilian abductions. Most of the casualties occurred during the complex attack on the Sardar Mohammad Daud Khan Hospital in Kabul on 8 March. UNAMA documented a rise in attacks and incidents impacting education facilities and education-related personnel, with 24 incidents verified compared with 14 in the first quarter of 2017. Six incidents directly targeted girls' schools. During the second quarter of 2017, UNAMA documented seven incidents of denial of humanitarian access; all were attributed to armed opposition groups: six to the Taliban and one to ISIL-KP.

29. UNAMA verified the recruitment and use of 21 boys, including 15 by anti-government elements (11 by ISIL-KP, 3 by the Taliban, 6 by the Afghan National Defence and Security Forces and 1 by an unidentified armed group). The Mission received reports of up to 50 boys (10 verified to date) recruited by ISIL-KP who were undergoing religious and military training in Ghor Province. UNAMA continued sensitizing and training Afghan national security forces on the protection of children in armed conflict. On 27 August, UNAMA and the United Nations Children's Fund jointly conducted a one-day training session on child rights for 17 district chiefs of police in the city of Kabul.

30. Justice and redress for women remained low amid the continued prevalence of violence against women. The implementation of the national action plan on women, peace and security remained slow despite efforts that were focused on law reform and advocacy around violence against women and harassment and the strengthening of the prosecutor's office to address cases of violence against women. Of the revised estimated $83.0 million required for the implementation of the national action plan, $31.2 million is available, while the remaining amount has yet to be secured from donors. The prosecution units for the elimination of violence against women are now present in all 34 provinces, with 27 units staffed with at least one female prosecutor. The Ministry of the Interior continued efforts to enhance women's participation in the security sector, in particular their recruitment and promotion to leadership roles. With regard to women's participation in peace and reconciliation processes, six more women were introduced as members of the High Peace Council, bringing the total number to 13 out of 52 members.

31. On 16 August, the Afghanistan Independent Human Rights Commission launched a national inquiry on the protection of the rights of victims of armed conflict and terrorism. UNAMA will provide technical support for the normative framework and the collection of data on civilian casualties. On 22 August, the Minister of Justice chaired an interministerial working group tasked with reviewing the recommendations made by the Committee against Torture in its concluding observations on the second periodic report of Afghanistan and preparing a follow-up report and plan of action for submission to the Committee in May 2018. Civil society actors continued to face intimidation and threats by anti-government elements and also experienced a lack of cooperation by local authorities in relation to those threats. UNAMA recorded one incident of intimidation of a human rights defender in Badghis Province and one incident of intimidation against a civil society actor in Herat Province. UNAMA also recorded one incident involving threats against a local journalist by anti-government elements in Farah Province. In July, civil society actors expressed concerns about the new draft law on gatherings, strikes and protests that sets conditions for the duration and organization of protests in certain areas and also maps out the authority of security forces in dealing with protests.

IV. Implementation of the Kabul process and coordination of development assistance

32. On 9 July, the National Unity Government convened the twentieth meeting of the Joint Coordination and Monitoring Board in Kabul, co-chaired by my Special Representative and the Minister of Finance, Eklil Hakimi, with a focus on reform and development commitments ahead of a meeting of senior officials set for later in 2017. In the area of democratic, transparent and accountable government, ministerial speakers discussed election preparations, civil service reforms, subnational governance, judicial reforms, security, civil society engagement and anti-corruption. During a session on service delivery, speakers addressed the importance of institutional reforms and discussed the Government's commitments to delivering basic services to returnees and internally displaced populations. With regard to private sector growth and infrastructure, panellists identified measures to enhance the business environment and the Government committed to prioritizing private sector needs in the coming months.

33. In an effort to improve inclusivity, the Government took steps to engage civil society in development and reform processes. Under the Open Government Partnership, civil society representatives began work on a national action plan to promote good governance, anti-corruption and transparency. UNAMA facilitated the

participation of civil society at the Joint Coordination and Monitoring Board meeting, where participants emphasized a greater role for civil society in monitoring mutual commitments by the Government and the international community. The national strategy on access to information, launched on 13 August, also called for civil society and the media to play a role in promoting public awareness of the right of citizens to access information and monitoring the implementation of the law on access to information.

34. Economic growth remained slow in the face of ongoing security and governance challenges. At a briefing on 11 July, the International Monetary Fund reported slight downward adjustments of economic growth estimates for 2017 and 2018, to 2.5 per cent and 3 per cent, respectively. However, the Fund does not expect the revisions to affect the Government's attainment of other quantitative targets, for which progress was reported to be on track. Despite persistently low growth, domestic revenue collection reportedly exceeded targets, although receipt of some operating grants from donors slowed. Key priorities in the Government's programme with the Fund will require parliamentary action in the coming months.

35. The Government continued to prioritize its anti-corruption efforts, in particular at the policy level. Between 22 June and 16 August, the National High Council for Rule of Law and Anti-Corruption convened four times, after remaining dormant for the first half of 2017. Chaired by the President, the Council adopted institutional reform plans for the Supreme Court, the Office of the Attorney General, the Ministry of Justice and the Afghan Independent Bar Association. In late August, the Government circulated its draft anti-corruption strategy, a commitment from the Brussels Conference on Afghanistan, held in October 2016, which was due to be adopted by June 2017. From 6 to 8 August, during a three-day joint conference on combating corruption in the defence and security sectors in Afghanistan, the Attorney General signed a memorandum of understanding with the Ministry of Defence, the National Directorate of Security and the Ministry of the Interior, aimed at developing joint mechanisms to combat corruption among the security institutions.

36. The Anti-Corruption Justice Centre has completed 21 cases at the trial and appellate levels against 86 accused. Outcomes include the conviction and sentencing to 20 years' imprisonment of a General for fuel fraud and stealing equipment. The security of Centre personnel remains an ongoing concern, and the presidential decree of 6 June, which obligated the Ministries of the Interior and Urban Development, the Office of the Attorney General and the National Directorate of Security to contribute to the protection of Centre personnel against security threats, has yet to be implemented.

37. With regard to local government accountability, on 30 July, the Government issued the Provincial Council Oversight Regulations, which lay out an enhanced role for the provincial councils in monitoring line departments and other government entities. The President agreed to improve coordination with the provincial councils by conducting regular regional meetings and inviting a representative of the councils to attend Cabinet meetings.

V. Humanitarian assistance

38. Civilians continued to bear the brunt of the ongoing conflict. Between mid-June and 15 August, more than 32,300 people were forced to flee their homes as a result of fighting, bringing the total number of displaced persons to more than 202,000 in 2017. Internal displacement has affected 30 of the 34 provinces, with Baghlan and Kunduz in the north, Nangarhar in the east and Uruzgan and Kandahar in the south experiencing the highest levels of displacement. While there was an

overall reduction in the number of people displaced compared with the same period in 2016, the deteriorating security situation has left many displaced communities in an increasingly precarious situation, with no immediate prospect of returning to their areas of origin. As at 31 August, the total funding for humanitarian action in Afghanistan stood at $235 million, of which $181 million was for activities included in the Humanitarian Response Plan.

39. Under the voluntary repatriation programme of the Office of the United Nations High Commissioner for Refugees, more than 14,000 registered Afghan refugees who returned to Afghanistan during the reporting period were assisted. Over 98 per cent of them were returning from Pakistan. Returning individuals received an average of $200 per person to pay for transport and immediate humanitarian needs.

40. The deportation and spontaneous return of undocumented Afghans from Pakistan continued, with 15,567 arrivals (14,653 spontaneous arrivals and 914 deportees) between 15 June and 31 August, accounting for 19 per cent of the total arrivals from Pakistan in 2017. Since 1 January, the total number of undocumented returnees arriving from Pakistan rose to 83,505, down from 131,033 over the same period in 2016. During the reporting period, 86,906 arrivals from the Islamic Republic of Iran (29,044 spontaneous arrivals and 57,862 deportees) were documented. Of the total returnee population, the International Organization for Migration assisted 18,818 returnees (93 per cent) from Pakistan and 4,295 returnees (5 per cent) from the Islamic Republic of Iran during that period. Between 15 June and 31 August, the International Organization for Migration also assisted 479 returnees from Europe, compared with 995 for the same period in 2016. Separately, from mid-June to August, the World Food Programme provided assistance to 117,940 returnees and internally displaced persons who had been displaced as a result of conflict in various parts of the country, and joint Government-United Nations verification assessments are ongoing to identify additional internally displaced persons for assistance in the country.

41. From 15 June to 15 August, United Nations agencies and humanitarian partners provided 67,527 displaced people with assistance. Across the country, 2.2 million people of the planned 5.7 million received humanitarian assistance in all sectors from January to the end of June. However, constraints on humanitarian access continued to be recorded, with a total of 40 incidents affecting the United Nations and humanitarian partners registered during the reporting period and 214 since January. Three aid workers with Catholic Relief Services, a non-governmental organization, were killed and two injured in an attack on their vehicle in Ghor Province on 14 August. Since the start of 2017, 12 aid workers have been killed and as many injured. Health workers and health facilities continue to be heavily affected, with 26 incidents registered in the reporting period, bringing the total incidents so far in 2017 to 88. From June to August, dozens of health facilities were forced by armed groups to close down temporarily in Laghman Province, north of Kabul, and in the western provinces of Farah and Badghis in an attempt to coerce non-governmental organizations that are running the facilities to improve service delivery for their combatants. Overall in 2017, around half a million people are estimated to have at times been deprived of access to health care as a result of these tactics. Humanitarian partners continued to develop different modalities of delivering humanitarian assistance to communities in need, regardless of which party to the conflict is in control, and have increased sensitization efforts on humanitarian principles, notably neutrality and operational independence.

42. The polio eradication programme made significant progress, particularly in the northern province of Kunduz, where new importation from February 2017 was successfully contained. However, in the southern region, local transmission as a

result of frequent cross-border movement gave rise to five polio cases in Helmand, Kandahar and Zabul Provinces. Access for vaccinators in the southern region remains fragile, and in July, a ban on subnational immunization day vaccination campaigns in four districts of Kandahar resulted in 64,000 children remaining inaccessible, along with another 60,000 from the eastern, south-eastern and north-eastern regions.

43. The Mine Action Service of the United Nations continued with the transfer of responsibility for the management of the Mine Action Programme for Afghanistan to the Directorate of Mine Action Coordination and the Afghanistan National Disaster Management Authority. The Service will continue to support both institutions with capacity-building. The Mine Action Service and partners continued to provide risk education at encashment and transit centres to alert returnees to the danger posed by landmines, explosive remnants of war and abandoned pressure-plate improvised explosive devices. From 1 June to 31 July, 40,444 returnees received such education. In addition, mine action partners, coordinated by the Mine Action Service and the Directorate of Mine Action Coordination, declared 20 communities mine-free, which enabled approximately 20,000 individuals across 15.34 km^2 to move freely within their community. However, it is estimated that 3,378 minefields, 301 battlefields and 42 contaminated firing ranges remain, affecting 1,464 communities. The average monthly incident rate from January to June 2017 of 182 victims represents an increase compared with the monthly average of 164 victims recorded from January to June 2016; the vast majority (97 per cent) are due to explosive remnants of war and pressure-plate improvised explosive devices rather than landmines. As part of the Afghan Civilian Assistance Programme, the Mine Action Service assisted victims of large-scale improvised explosive attacks during the reporting period, including the vehicle-borne suicide attack of 31 May in Kabul, when some 550 families received immediate assistance packages.

VI. Counter-narcotics

44. From 1 June to 26 August, Afghan law enforcement authorities conducted a total of 629 counter-narcotics operations, which resulted in the seizure of 569 kg of heroin, 9,644 kg of morphine, 4,841 kg of opium, 25.4 kg of methamphetamine, 2,867 kg of hashish, 7,868 kg of solid precursor chemicals, 20,338 litres of liquid precursor chemicals and 722 K-tablets (synthetic drugs). In addition, three heroin processing laboratories were dismantled and 103 vehicles, 34 weapons and 177 mobile telephones were seized. During the counter-narcotics operations, a total of 708 suspects were arrested and one officer from the Afghan National Defence and Security Forces was wounded.

45. Regional cooperation on counter-narcotics continued during the reporting period, with a meeting on precursor cases held on 30 August in Almaty, Kazakhstan, within the framework of the Regional Intelligence Working Group on Precursors. At the meeting, four cases were reviewed, and backtracking investigations were launched at the regional level. The Ministry of Public Health, with the support of the United Nations Office on Drugs and Crime, continued to work towards the national adoption of the international standards for the treatment of drug use disorders of the Office and the World Health Organization. As part of the process, the Ministry launched a pilot of a quality assurance mechanism aimed at improving the treatment of drug use disorders.

VII. Mission support

46. The Mission's vacancy rate as at 31 July 2017 was 11 per cent, compared with the approved vacancy rate of 14 per cent for international staff, and 4 per cent compared with the combined approved average vacancy rate of 7.5 per cent for national staff. Despite special measures granted for the Mission to recruit and retain more national female staff, their representation remains very low, notwithstanding an overall increase of 3 per cent from the previous reporting period. As at 31 July 2017, the female representation for each category of staff stood at: 30 per cent (international), 36 per cent (United Nations Volunteers); 8 per cent (National Professional Officers); and 7 per cent (Local level). Between 15 June and 15 August, UNAMA conducted 155 road and 13 air missions, as well as 417 reverse outreach missions during which district representatives visited UNAMA field offices.

47. The Mission began planning a reconfiguration of its structure and staffing to align its budget for 2018 with the recommendations made in my special report on the strategic review of UNAMA. Additionally, opportunities for co-location between UNAMA and United Nations system agencies, funds and programmes and improved cost recovery procedures continued to be explored. The Mission also continued to streamline support services, including medical and ground transportation services, as well as air assets.

VIII. Observations

48. I remain deeply concerned about the security situation in Afghanistan. Attacks in the western province of Herat, the northern province of Sari Pul, the southern province of Helmand and the capital, Kabul, which killed dozens of people and wounded many more, were a stark reminder of the heavy toll of the conflict on civilians in Afghanistan. Thousands of Afghans are still being displaced each month, losing their livelihoods and becoming separated from their communities as they flee from violence. While the people of Afghanistan continue to demonstrate immense courage and resilience in the face of adversity, their plight is a reminder, as always, that achieving lasting peace must be the primary goal towards which all efforts must be directed.

49. In this regard, I am also concerned by the lack of tangible progress towards a peace process, which remains the most urgent imperative facing Afghanistan. As I have stated in the past, the conflict has no military solution: peace can only be achieved through direct negotiations between the Government and the Taliban, which must form part of an inclusive, Afghan-led, Afghan-owned peace process. I call upon all parties to create an environment in which such dialogue is possible. Noting the critical importance of regional countries in order to move towards a peace process, the Government's continuing commitment to the Kabul Process for Peace and Security Cooperation and the interest shown by the partners of Afghanistan in continuing the initiative deserve support. For its part, following the mandated strategic review of UNAMA in 2017, the United Nations stands with renewed determination and with full respect for the sovereignty of Afghanistan to support the Afghan people in their quest for peace. Only through the committed engagement of all parties can an end to this long and costly conflict be achieved.

50. In a volatile security environment, the rise in sectarian attacks is particularly troubling. The terrorist attacks against Shia mosques in the city of Herat on 1 August and in Kabul on 25 August, which killed dozens of civilians as they prayed, were unconscionable acts of violence against a religious minority. Such attacks not only cause great human suffering, but risk escalating tensions between

religious communities. In the wake of such incidents, the expressions of solidarity from religious leaders in Afghanistan across sectarian lines are heartening and provide examples that other community members may follow. Now, more than ever, Afghanistan needs demonstrations of national solidarity in the face of common threats and cynical attempts to promote further divisions.

51. The announcement by the Independent Election Commission of a date for parliamentary and district council elections in July 2018 sets an important objective that can contribute to democratic consolidation in Afghanistan. While the timelines are ambitious, with concerted and sustained attention the election date remains achievable, and both the Commission and the Government have demonstrated a commitment to improving the credibility of the electoral process through the implementation of several key reforms. If implemented, the introduction of biometric voting cards and polling station-specific lists would constitute major improvements to the country's electoral system. Credible elections in 2018 will provide a channel for the peaceful expression of political opposition in an increasingly volatile political environment. I encourage the electoral institutions to broaden their outreach to all stakeholders to build public support for elections and the electoral reform process.

52. As elections become a more concrete reality, opposition groups have begun to intensify their political activity and, in many cases, have become increasingly vocal in their criticism of the Government. The emergence of new political alliances, along with the persistence of youth protest movements, are indications of the growing vibrancy of the still young democratic culture in Afghanistan. However, the inflammatory rhetoric of some political figures exacerbates social tensions and can undermine the fragile political consensus represented by the Constitution. If left unchecked, it may risk destabilizing the political system. I therefore stress the importance of responsible conduct by all stakeholders to ensure that political dissent continues to be expressed peacefully and within the framework of the country's constitutional and democratic processes.

53. Despite enormous challenges, the Government has made progress on its reform agenda, particularly in the realm of anti-corruption. A key component of this is the work of the Anti-Corruption Justice Centre, which, since its inception in late 2016, has become an important pillar in overall efforts to combat impunity. As demonstrated by recent convictions of high-level officials, the Centre is increasingly handling complex cases. I commend the Government for its continued prioritization of anti-corruption activities, which is a crucial element in its efforts to build credibility among the population. The Government has also continued its regular and constructive engagement with development partners, as demonstrated most recently at the Joint Coordination and Monitoring Board meeting in July. For its part, the United Nations will redouble its donor coordination efforts, both to improve the coherence of its development activities and to ensure their alignment with the Government's own priorities and more effective delivery.

54. Record numbers of civilians continue to be killed and injured by indiscriminate and disproportionate attacks perpetrated by anti-government elements. Yet I also note with concern the significant increase in civilian casualties resulting from air strikes by pro-government forces. I remind all parties to the conflict of their responsibilities to protect civilians during military operations and stress the need for accountability for violations of international human rights and humanitarian law. In this regard, I encourage the Government to formally endorse the national policy on civilian casualty prevention and mitigation. I welcome the ratification by the Government of Afghanistan of the Convention on Prohibitions or Restrictions on the Use of Certain Conventional Weapons Which May Be Deemed

to Be Excessively Injurious or to Have Indiscriminate Effects and all the protocols thereto, including Protocol V, concerning explosive remnants of war.

55. As the Government considers how to implement the recommendations made by the Committee against Torture in its concluding observations on the second periodic review of Afghanistan, I encourage the Government to follow through on its public commitments both to ratify the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and to withdraw its reservations to the Convention, and all national institutions to enact effective measures of implementation in compliance with the Constitution of Afghanistan and international legal obligations.

56. Faced with significant challenges, the women of Afghanistan continue in their steadfast determination to achieve full and equal participation in public life. In this endeavour, the Government has proven itself to be a sincere and committed partner. The increased representation of women in the High Peace Council and the concerted efforts by the Government and its partners to address violence against women and girls are positive developments. I urge the Government to take concrete measures to strengthen the prosecution office and provincial units for the elimination of violence against women and the implementation of the national action plan on women, peace and security, including by allocating adequate resources, to ensure the effective provision of justice and redress for survivors and the participation of women in peace and reconciliation processes.

57. The reverberations of the suicide bombing of 31 May in Kabul continue to be felt, both by Afghans and their international partners. Following the attack, which was conducted in the city centre near the diplomatic enclave, many diplomatic missions scaled back their presence, with development staff numbers particularly affected. In this environment, the role of the United Nations on the ground has become even more crucial. I am grateful to the Government for its efforts to improve the security of the diplomatic community, which are being calibrated to enable UNAMA and the agencies, funds and programmes of the United Nations system to continue to operate at full capacity.

58. The implementation of the recommendations from my special report on the strategic review of UNAMA is under way, with the Mission looking to reconfigure its current posture. With reference to the reservations expressed by the Government, I wish to provide my personal assurance that the fundamental principles of Afghan national sovereignty, national leadership and national ownership, defining the work of the Mission, are unchanged. I would like to thank the Mission and its staff for its support to the review and convey my appreciation to the Government for its cooperation during the review.

59. I thank all United Nations personnel in Afghanistan and my Special Representative, Tadamichi Yamamoto, for their continued dedication to fulfilling our commitments in support of the people of Afghanistan under very challenging conditions.

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Strategic capital review

Report of the Secretary-General*

Summary

The present report is submitted pursuant to section VI of General Assembly resolution 70/248 B on the strategic capital review, a global capital programme of the United Nations Secretariat related to buildings and infrastructure assets.

The present report provides an update on the cost-benefit analysis and an expanded study of the non-quantifiable benefits of the overall proposed capital maintenance approach for building and infrastructure assets owned by the United Nations, in response to the guidance received from the General Assembly in its resolution 70/248 B. It is estimated that the Organization could save between 34 and 54 per cent of its total capital costs over the life of its buildings by employing the proposed incremental recapitalization methodology. The report also provides an update on the governance structures of the ongoing and proposed projects, including the role of the Office of Central Support Services in providing oversight with an emphasis on risk management and the use of contingency funding.

The report includes an update on the near-term proposed capital projects, outlined by the Secretary-General in his reports to the sixty-ninth and seventieth sessions (A/69/760 and A/70/697), encompassing projects at the United Nations Office at Nairobi, the Economic Commission for Africa, the Economic and Social Commission for Asia and the Pacific and the Economic Commission for Latin America and the Caribbean. The report also includes information on other considerations, including accessibility and the rights of persons with disabilities, sustainability, global long-term accommodation requirements, flexible workplace strategies and alternative financing options.

In the light of section II of resolution 69/274 A, in which the General Assembly emphasized that any potential proposals with budget implications should follow the procedure set out in the Financial Regulations and Rules of the United Nations, and bearing in mind that the strategic capital review is intended to serve as a planning tool for the General Assembly, the Assembly is requested to take note of the present report.

* The present report was submitted on 15 September 2017 to reflect the latest expenditure projections of the capital projects.

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I. Introduction

1. The present report is submitted pursuant to section VI of General Assembly resolution 70/248 B, in which the Assembly endorsed the conclusions and recommendations contained in the report of the Advisory Committee on Administrative and Budgetary Questions (A/70/7/Add.43). The Assembly requested that the Secretary-General continue to provide information on the prioritization of projects proposed under the strategic capital review and to provide more information on the potential costs and benefits of a preventive maintenance programme, as compared with the existing reactive approach, including by examining the various methods previously presented and comparing them with similar strategies followed by other public entities. The Assembly also requested that criteria be established to determine whether construction projects should be submitted under section 33 of the programme budget or as stand-alone proposals and that criteria be established to determine risk categories.

2. In addition, the General Assembly requested more information on the non-quantifiable benefits of the proposed preventive maintenance approach, the impact of flexible workplace strategies and the possible impact of Umoja and the global service delivery model, and the development of project governance structures, in accordance with the guidelines for the management of construction projects.

3. The General Assembly also continued to emphasize the importance of eliminating physical, communication and technical barriers for persons with disabilities.

4. In his previous report (A/70/697), the Secretary-General presented the findings and conclusions of the initial review, including the 20-year capital maintenance programme, which projects a sequence of capital improvement activities over a 20-year period from 2018 to 2037. The initial review was conducted in accordance with established key objectives, which have remained unchanged since the first report of the Secretary-General on the review (A/68/733). The key objectives are: to provide safe and healthy working environments for delegates, visitors and staff over the long term; to comply with the Convention on the Rights of Persons with Disabilities; to maintain property value, maximize space usage efficiency in existing spaces, modernize building systems and move towards more energy-efficient facilities; and to preserve heritage assets and minimize work disruption during capital improvement projects.

5. The purpose of the present report is to provide updated information on the ongoing development and refinement of the general approach to establishing the requirements of the capital programme, as well as on the current status of several proposed and ongoing projects. In particular, the report provides updated information on the cost-benefit comparison of the various industry-standard approaches to capital maintenance, which have been further studied during the present reporting period, in an effort to increase accuracy by expanding the previous methodology to use a much larger set of buildings as case studies. In the present report, the study has been strengthened and expanded to examine a total of four approaches, as opposed to two approaches in the previous report.

6. The report also provides the additional information requested by the General Assembly in its resolution 70/248 B, as indicated in paragraphs 1 to 3 above.

7. With respect to the general disposition of the present report, as the initial capital review was performed only three years ago, the present report does not include a comprehensive update of the 20-year capital maintenance programme (see

A/69/760), rather, its focus is on providing updated information on the requirements of several near-term ongoing and proposed capital projects. Accordingly, the report is intended to serve as a centralized compendium of the multiple reports of the Secretary-General presented during the seventy-second session of the General Assembly, in order to provide Member States with a comprehensive overview of all capital project requirements at Headquarters, offices away from Headquarters, regional commissions and tribunals, and to inform decision-making when considering the individual reports on those projects.

8. During the reporting period, the participating duty stations (including offices away from Headquarters and regional commissions) did not perform additional comprehensive existing conditions surveys. This is in accordance with the practices established under the strategic capital review and the previous report of the Secretary-General, which stipulated that such surveys would be performed every five years, and is also in line with industry best practice.

II. Cost-benefit analysis of the proposed capital maintenance approach

9. In response to the request of the General Assembly to base the cost-benefit analysis on reliable, accurate data and then carry out a comparison with industry standards, including those most commonly applied in the public sector, the specialist cost-estimation consultancy firm that had conducted the previous study was re-engaged to update it. Two general approaches had been examined in the two previous reports of the Secretary-General (see A/69/760 and A/70/697): (a) incremental recapitalization, or the proactive approach, which aims to gradually and systematically perform capital improvements over the life of a building, in an attempt to avoid what would otherwise be larger-scale and higher-risk projects; and (b) run-to-failure, or the reactive approach, which aims to replace whole buildings or building components only after they fail or reach the end of their useful lives.

10. During the reporting period, four options were evaluated, which were raised by the Board of Auditors in a paper on lessons from the capital master plan, published in December 2014, and are also in line with industry best practice. These are:

(a) Run-to-failure;

(b) Replacement at end of useful life (planned maintenance);

(c) Incremental recapitalization to extend useful life (predictive or condition-based maintenance);

(d) Business-focused maintenance (a combination of the second and third options above), which includes:

(i) A controlled maintenance programme;

(ii) A scheduled evaluation of asset conditions;

(iii) A monitoring system.

11. As observed by the Advisory Committee in paragraph 27 of its previous report (A/70/7/Add.43), the Organization has established a section of the programme budget, section 33, devoted entirely to capital improvements. Accordingly, the definitions in the present report have been refined to express a greater degree of accuracy. In the present report, the term "run-to-failure" has been refined to mean the practice of not recapitalizing an asset at all until it fails. The expression

"replacement at end of useful life" is therefore used in the present report to more accurately describe the de facto practice of the Organization to date.

12. The "replacement at end of useful life" approach can be seen in the capital master plan in New York, the strategic heritage plan in Geneva and the renovation of Africa Hall in Addis Ababa. Although it is noted that none of the three projects entails the complete replacement of buildings, the majority of the building components are to be replaced in each case at a significant cost; hence, the term "replacement" is used.

13. As the Secretary-General has indicated in his previous reports on the strategic capital review, a gradual, incremental approach to capital maintenance can ultimately result in significant cost avoidance for Member States and yield many additional non-quantifiable benefits. The present section contains a description of each of the four approaches studied during the reporting period.

A. Definition of the various life-cycle asset management strategies

1. Run-to-failure

14. Under the run-to-failure approach, it is assumed that all assets will fail before the end of their life if they are not maintained on a regular basis. This definition is in line with that used by the Board of Auditors in its paper on lessons from the capital master plan. For the purposes of the cost analysis, it was assumed that assets will fail at 50 per cent of their useful life if not maintained at all.

15. The potential benefit of the approach is that no maintenance costs accrue.

16. The potential drawbacks of the approach are as follows:

(a) Replacement costs at the time when a building asset (plant, machinery and the building fabric) fails and needs to be fixed;

(b) Significant potential capital costs and other risks associated with:

(i) Failure of an asset resulting in failure of the system associated with the asset;

(ii) Downtime due to the delay between ordering and receiving delivery of the replacement asset and other assets that require replacement owing to the failed asset;

(iii) Potential need to relocate staff to a temporary facility;

(iv) Cost to outfit a temporary facility;

(v) Cost to rent or lease a temporary facility;

(vi) Temporary utilities or protection required to maintain other assets;

(vii) Premium cost associated with the emergency replacement of the asset;

(viii) Impossibility of planning a budget for catastrophic failure.

2. Replacement at end of useful life

17. Under the "replacement at end of useful life" approach, it is assumed that an asset can be expected to last the full length of its warranted useful life without risk of catastrophic failure through maintenance of the asset (plant, equipment and building fabric) following a prescribed plan. For the purposes of the cost analysis, it was assumed that all assets would be replaced at the end of their useful life even if they were still in service. Moreover, it was assumed that regularly scheduled

operational maintenance, that is, regular maintenance that did not increase property value or extend the useful life of an asset, would be performed with a view to ensuring warranty compliance and the observance of best practices.

18. The potential benefits of the approach are as follows:

(a) Assets under warranty will be replaced at no cost to the end user if they fail within the warranty period;

(b) There is less risk that the asset will fail within its anticipated useful life;

(c) When the asset is replaced at the end of its useful life, the end user can remain confident in the continued reliability of the system;

(d) Major capital investment is more predictable;

(e) Maintenance costs are more predictable;

(f) New technology replaces old technology at the end of the asset's useful life.

19. The potential drawbacks of the approach are as follows:

(a) Major capital investment is required at the end of the asset's useful life;

(b) Operational costs may increase owing to the need to invest in the maintenance programme, retrain maintenance staff or make capital investments in an instrumentation and control system.

3. Incremental recapitalization to extend useful life

20. Under the "incremental recapitalization to extend useful life" approach, it is assumed that the life of an asset can be extended beyond its a warranted useful life by regularly performing scheduled maintenance in line with warranty requirements and best practices and refurbishing major components of the asset at a reasonably early stage in the expected useful life of the asset, well before catastrophic failure. Under the methodology, it is assumed that major components will be refurbished half way through their individual useful life, as outlined by the Secretary-General in a previous report on the strategic capital review (A/69/760, figure 4). For the cost analysis, it was assumed that this approach would extend the useful life of building assets by 50 per cent.

21. The potential benefits of the approach are as follows:

(a) Capital investment in asset replacement can be deferred beyond the warranty period;

(b) There is a reduced life-cycle cost when the asset cost is amortized over a longer lifespan.

22. The potential drawbacks of the approach are as follows:

(a) Reliance on an established maintenance programme, including training of staff and investment in an instrumentation and control system;

(b) Need for capital investment in the replacement of the major components of assets to extend their useful lives.

4. Business-focused maintenance

23. Business-focused maintenance is a combination of the second (replacement at end of useful life) and third (incremental recapitalization to extend useful life) strategies described above, with an additional focus on monitoring and controlling mechanical assets, staff retraining and the establishment of a closely managed and

monitored maintenance plan.[1] A business-focused maintenance plan establishes the following:

(a) A controlled maintenance programme, which requires investment in:

(i) Retraining for maintenance staff;

(ii) Strengthened monitoring and control;

(b) A scheduled evaluation of asset conditions, which requires the implementation of a recording plan for monitoring the condition and performance of an asset;

(c) A monitoring system, which requires the implementation of an instrumentation and control system. Under such a system, monitoring and control points are added to each asset or piece of operating equipment within a facility. The points are connected to equipment in a control room that monitors the performance of the assets and provides the capability to control them remotely. The monitoring of equipment allows for real-time evaluation of performance and provides an early warning in the case of reduced performance or pending failure of the asset. Real-time monitoring provides operators and end users with sufficient warning to repair or replace assets before catastrophic failure. Instrumentation and control technology has an initial capital cost of 10 per cent or more of the cost of the asset (equipment and installation cost).

24. The potential benefits of the approach are as follows:

(a) Constant monitoring will prevent catastrophic failure of the asset;

(b) The asset can be tuned to perform in the most efficient manner, thereby saving the end user significant operational costs over its lifespan;

(c) Remote control and monitoring are more efficient than localized asset monitoring, thereby saving on maintenance costs;

(d) Better asset control means lower costs over the life of the asset.

25. The potential drawback of the approach is the high initial capital cost for equipment and staff training.

B. Cost analysis methodology

26. Included in this methodology are all building assets in Addis Ababa, Bangkok, Geneva, Nairobi, New York and Santiago.

27. The evaluation method examines 10 components of each building asset, namely (a) foundations, (b) superstructure, (c) exterior closures, (d) roofing, (e) interior, (f) conveying systems, (g) plumbing, (h) heating, ventilation and air conditioning, (i) fire protection, and (j) electrical systems, in line with United Nations International Public Sector Accounting (IPSAS) standards.

28. For asset evaluation purposes, building construction costs were converted from the local currencies of the duty stations into United States dollars (as of July 2017). The evaluation of the building assets at United Nations Headquarters was also updated to reflect their value as of July 2017. On the basis of those figures, the percentage allocation of costs was determined for each of the 10 components. The information obtained was evaluated and compared against the four options listed in

[1] In its paper on lessons from the capital master plan, the Board of Auditors defined "business-focused maintenance" as a combination of the "run to fail", "planned" and "predictive or condition-based maintenance" strategies.

paragraph 10, with the useful lives of assets and components taken from the United Nations IPSAS standards. The evaluation period was 50 years.

(a) **Run-to-failure**. It is assumed that all assets will be neglected and fail at 50 per cent of their useful life. Upon comparison, the costs associated with the run-to-failure option were more than double those under the incremental recapitalization option. In view of this, run-to-failure is not considered a viable option and will not be described in further detail in the present report;

(b) **Replacement at end of useful life**. It is assumed that only operational maintenance will be used to keep components functional. The remaining components are assumed to be fully replaced at the end of their useful life. For example, a component with a useful life of 20 years would be replaced two and a half times over the 50-year useful life of a building (the evaluation period). In addition, an allowance is assumed to cover the costs associated with swing space and temporary protection owing to the need for complete building replacement;

(c) **Incremental recapitalization to extend useful life**. It is assumed that spending comparatively more on capital improvements at the midpoint of the useful lives of individual components will extend asset life by 50 per cent. Under this option, it is assumed that the foundation and superstructure of buildings could be reused with minimal recapitalization;

(d) **Business-focused maintenance**. This option was not costed as an option in this exercise since a standard or systematic methodology cannot be applied to business needs over a 50-year period. This option would result in a unique approach tailored for specific business needs and, as such, its costs could not be compared on an equal basis with the other three options.

C. Summary outcome of the analysis

29. A summary of the comparison of the "replacement at end of useful life" and the "incremental recapitalization" options is shown in table 1. Beginning with the gross replacement cost of the buildings and infrastructure assets at the United Nations Office at Geneva, the United Nations Office at Nairobi, the Economic Commission for Africa (ECA), the Economic and Social Commission for Asia and the Pacific (ESCAP), the Economic Commission for Latin America and the Caribbean (ECLAC) and Headquarters, projected total capital improvement requirements over a 50-year period were calculated using the methodology described in section II.B above. A range of spending for the incremental recapitalization option was used, from low to high, given that an exact projection would be difficult to estimate.

30. According to the analysis, the incremental recapitalization option is the most cost-effective and otherwise beneficial option. The Organization could expect to spend between 34 and 54 per cent less over the 50-year useful life of a building by choosing this option, as opposed to the "replacement at end of useful life" option, which corresponds to the current approach. Although the methodology has been strengthened and the number of buildings included as case studies has been expanded significantly during the reporting period, the present study corroborates the initial findings of the previous study.

Table 1
Fifty-year projections using the "incremental capitalization" and "replacement at end of useful life" approaches by duty station
(Millions of United States dollars (as of 2017))

		Incremental recapitalization			*Replacement at end of useful life*	*Difference*		*Difference (percentage)*	
Location	*Asset value*	*Low end*	*Methodology outcome*	*High end*	*Methodology outcome*	*Low end*	*High end*	*Low end*	*High end*
Addis Ababa	324.9	270	280.7	310	411.8	141.8	101.8	33	53
Bangkok	142.9	120	122.3	130	208.5	88.5	78.5	60	74
Geneva	1 117.6	970	1 022.8	1 130	1 470.9	500.9	340.9	30	52
Nairobi	129.5	100	100.8	110	151.3	51.3	41.3	38	51
New York	1 949.7	1 770	1 858.5	2 040	2 717.4	947.4	677.4	33	54
Santiago	69.7	50	56.8	60	91.5	41.5	31.5	72	83
Total	**3 734.2**	**3 280**	**3 441.9**	**3 780**	**5 051.5**	**1 771**	**1 271**	**34**	**54**

D. Non-quantifiable benefits of the various methodologies

31. First and foremost, proactive stewardship of owned buildings and infrastructure assets is considered a fundamental responsibility of the Organization. The manner in which the Organization cares for its buildings, where delegates, staff and visitors conduct their daily activities, is a reflection of the value the institution places on itself, which can, in turn, heavily influence how others value it.

32. In addition, the manner in which the buildings function and are used is an outward reflection of the broader objectives of the Organization, including the design and use of facilities based on the specific substantive functions of the offices that they house. For example, United Nations buildings should serve as best practice examples of sustainable and green design and of accessibility for persons with disabilities.

33. One of the objectives of the strategic capital review is to provide a safe and healthy work environment for all delegates, staff and visitors. Healthy indoor environments can have strong positive effects on the well-being and productivity of occupants, especially with respect to the amount and quality of light, the use of colour, access to outdoor views, connection to nature and personal control over environmental conditions. Maintaining buildings adequately can have a positive impact on well-being, stress reduction, productivity, work effectiveness, job satisfaction and commitment to the Organization.

34. More broadly, the manner in which United Nations buildings are designed, used and maintained is symbolic of its objectives and should take into account, for example, the Sustainable Development Goals, the 2030 Agenda for Sustainable Development and the Paris Agreement.

35. The key objectives outlined in the first report of the Secretary-General on the strategic capital review (A/68/733) can be viewed in part as the internal implementation of the Organization's outward global goals, including the Sustainable Development Goals. Figure I shows the intersection of the objectives of the strategic capital review with the applicable Sustainable Development Goals.

Figure I
Objectives of the strategic capital review and applicable Sustainable Development Goals

Objectives of the strategic capital review	Sustainable Development Goals: Goal 3. Ensure healthy lives and promote well-being for all at all ages	Goal 6. Ensure availability and sustainable management of water and sanitation for all	Goal 7. Ensure access to affordable, reliable, sustainable and modern energy for all	Goal 9. Build resilient infrastructure, promote inclusive and sustainable industrialization and foster innovation	Goal 10. Reduce inequality within and among countries	Goal 11. Make cities and human settlements inclusive, safe, resilient and sustainable	Goal 12. Ensure sustainable consumption and production patterns	Goal 15. Protect, restore and promote sustainable use of terrestrial ecosystems, sustainably manage forests, combat desertification, and halt and reverse land degradation and halt biodiversity loss
To meet industry norms related to health and safety issues	x							
To maintain the property value of United Nations premises				x				
To meet industry norms relative to facilities preparedness and design against potential natural disasters and emergency situations				x		x		
To ensure compliance with all relevant regulations relating to persons with disabilities	x				x			
To ensure that hazardous materials are removed from facilities	x			x				
To improve space usage efficiency by maximizing the use of available office and meeting space							x	
To modernize outdated major building systems, in order to meet industry norms			x	x				
To move towards more energy efficient facilities and improving atmospheric and indoor air quality		x	x	x			x	x
To preserve and, if necessary, restore heritage-specific issues								
To keep disruption of the work of the United Nations to a minimum and to ensure business and operational continuity				x				

V. Recommended approach

36. On the basis of the quantitative analysis described in the present report, as well as a study of the non-quantifiable benefits, the Secretary-General recommends that the Organization adopt an incremental recapitalization approach to capital spending. Accordingly, and subject to additional guidance received from Member States with respect to the contents of the present report, the Secretary-General intends to submit a report on strengthening capital maintenance for the first resumed part of the seventy-second session of the General Assembly.

III. Real estate planning and management

A. Criteria for categorizing projects

37. The Secretariat has established criteria for determining which projects should be submitted to the General Assembly as stand-alone proposals and which are smaller projects that have traditionally been included under section 33 of the programme budget as alteration, improvement and major maintenance activities.

38. As indicated in the report of the Advisory Committee (A/70/7/Add.43), the factors taken into consideration for projects that have been submitted as stand-alone proposals in recent budget periods are size, cost, duration, complexity, type of construction, level of oversight required and risk associated with the projects, as summarized in table 1 of that report. These projects are:

Approved and ongoing projects

- The strategic heritage plan of the United Nations Office at Geneva
- The renovation of Africa Hall at ECA
- The seismic retrofit and life-cycle replacement of the secretariat building at ESCAP

Proposed projects

- The replacement of office blocks A to J at the United Nations Office at Nairobi
- The renovation of the north building at ECLAC

39. The Secretariat has established the criteria for determining the classification of projects into one of three categories: (a) large-scale, (b) large and complex, and (c) largest and most complex. The criteria take into consideration factors such as size, cost, duration, complexity, level of oversight required, type of construction and need for an advisory board. Such categorization informs how the project will be governed and managed, including both internal and external mechanisms.

40. It should be noted, however, that the defined criteria should be used mainly as guidance and that the categories tend to overlap.

41. At the present time, the strategic heritage plan of the United Nations Office at Geneva is defined as the largest and most complex project, while the Africa Hall renovation at ECA and the seismic retrofit and life-cycle renovation of the Secretariat building at ESCAP are considered large and complex projects. If approved by the General Assembly, the replacement of office blocks A to J at the United Nations Office at Nairobi would be considered large and complex, while the renovation of the north building at ECLAC would be considered large.

Table 2
Factors taken into consideration for capital projects to be categorized as (i) large-scale, (ii) large and complex or (iii) largest and most complex

Project size	*Large-scale*	*Large and complex*	*Largest and most complex*
Size	Usually less than 10,000 m² affecting a large area of the premises or multiple buildings	Usually between 10,000 and 50,000 m², affecting a large area of the premises or multiple buildings	Usually more than 50,000 m², affecting a large area of the premises or multiple buildings
Costs	$10 million to $25 million	$25 million to $100 million	More than $100 million
Duration	2 to 5 years	2 to 7 years	More than 7 years
Complexity	May not require swing space; entails construction within occupied buildings; multiple subprojects; single phase	Requires moderate swing space; entails construction within occupied buildings; multiple subprojects; multiple phases	Requires extensive swing space; entails construction within occupied buildings; multiple subprojects; multiple phases
Type of construction	Adds new building(s) or significantly alters existing buildings or structures	Adds new building(s) or significantly alters existing buildings or structures	Adds new building(s) or significantly alters existing buildings or structures
Level of oversight required	Requires a large, dedicated United Nations project management team and other oversight mechanisms	Requires a large, dedicated United Nations project management team and other oversight mechanisms	Requires a large, dedicated United Nations project management team and other oversight mechanisms
Risk management	Requires separate contingency provisions to cover risks; requires a third-party risk-management firm; may not require a dedicated coordinator at Headquarters	Requires separate contingency provisions to cover risks; requires a third-party risk-management firm; requires a dedicated coordinator at Headquarters; Monte Carlo risk model	Requires separate contingency provisions to cover risks; requires a third-party risk-management firm; Monte Carlo risk model
Stakeholder engagement (internal governance)	Stakeholders committee	Stakeholders committee	Steering committee
Advisory board (external governance)	Not required	Preferably established	Mandatory

B. Risk management

42. In line with relevant General Assembly resolutions and the recommendations of the Board of Auditors on both the capital master plan in New York and the strategic heritage plan in Geneva and as indicated in the guidelines for the management of global construction projects, emphasis should be given to risk management when executing United Nations construction projects. In addition, the Assembly has mandated the Office of Central Support Services to perform oversight, with emphasis on risk management and alignment with lessons learned,

to ensure central supervision of capital projects (see resolution 71/272 A, sect. IV, para. 14, and sect. V, para. 14).

43. The purpose of the independent risk-management services of the Office of Central Support Services is to identify and assess any uncertainties relating to the project and, thus, define optimal risk responses that assure the successful delivery of project-specific objectives, as well as related programme and operational objectives of the United Nations. The Office will establish a controlled risk-management framework and develop and implement a risk-management strategy that includes mechanisms and procedures for determining and managing risk-contingency funding tailored to the project's nature, circumstances and requirements.

44. The services to be provided aim for decision makers to: (a) have increased confidence in achieving the desired objectives, outputs, outcomes and benefits; (b) effectively mitigate and constrain threats to acceptable levels; (c) take informed decisions about exploiting opportunities; and (d) have increased confidence in the mechanisms, procedures and controls to access the risk-contingency budget.

45. The following is a summary of the scope of the independent risk-management services to be provided for each United Nations construction project:

(a) Establishing and maintaining a disciplined risk-management framework that specifies the roles and responsibilities of the stakeholders with regard to risk-management actions and defines the environment for implementing an effective risk-management strategy, including the risk-contingency budget;

(b) Coordinating with key stakeholders to fully understand the organizational and project-specific objectives that are at risk, determine the risk appetite associated with each project and identify those opportunities and threats that might have an impact on the objectives;

(c) Establishing and maintaining a risk-management strategy for protecting and achieving the specified objectives;

(d) Developing, populating and maintaining a risk register and developing, monitoring and controlling risk-response plans and actions to ensure that risks are properly addressed;

(e) Ensuring that each level of management, including key stakeholders, receives regular assurance about the management of project risks within its span of control;

(f) Providing qualitative and quantitative assessment of identified project risks. In this regard, quantitative risk-evaluation techniques, through the application of the Monte Carlo analysis method, should facilitate a thorough understanding of the main risk drivers by mathematically simulating the likelihood and impact of risks occurring within a given range under a set of theoretical scenarios;

(g) Providing regular progress reports about the status and changes of the project's risk exposure, the contingency funds spent to date and the projected costs to completion.

C. Establishment and management of project contingency provisions

46. The Office of Central Support Services will ensure the professional and systematic application of risk-management procedures, tailored for a project's nature, circumstances and requirements, and make recommendations to the project owner for determining, establishing and managing the risk-contingency budget.

47. These procedures will be applied on a regular basis for any risks identified by stakeholders or the project management team and consider inherent and residual risks at the start of the project, as well as risks that emerge as the project progresses or because of changes or modifications, and for risks relating to possible claims from contractors or suppliers, and for any other risks that become apparent during project execution.

48. The proposals and recommendations of the Office regarding the risk-contingency budget, the sum of the money set aside from the regular project budget to fund specific management responses to identified project risks, considering both opportunities and threats, will be based on the analysis of each risk by estimating the likelihood that it will occur (probability), evaluating its possible impact costs and calculating the costs for management responses.

49. The total sum of all the individual management response costs weighted by the likelihood that the risk will occur will then result in the total monetary value needed for risk response actions. This monetary value will form the basis on which the risk-contingency budget is developed. The fully developed risk-contingency budget should cover response actions during the whole life of the project and consider provisions for known (identified and assessed) and unknown (not yet identified) risks, which are yet to be discovered as the project progresses. In this regard, the Office will endeavour not to skew the risk-contingency budget by including risks with a high impact but a very low probability. The Monte Carlo analysis or other analytical risk-evaluation techniques will be applied for more accurate estimation of the risk-contingency budget.

50. The Office will also propose mechanisms, procedures and controls for accessing the risk-contingency budget.

D. Respective roles and responsibilities within the project governance structure

51. All projects under the strategic capital review are aligned with the generic governance structure (see A/70/697), and project-specific arrangements are or will be tailored on a case-by-case basis.

52. In line with paragraph 20 of section IV of resolution 71/272 A, the Office of Central Support Services is in the final stages of recruiting a Project Coordinator (P-4), who will be based at Headquarters in New York and report to the Chief of the Overseas Property Management Unit of the Office. In addition, the Office is currently in the process of hiring a specialist risk-management firm to perform independent risk-management services, with emphasis on executing Monte Carlo risk-modelling simulation and to support the Office in providing professional expertise, guidance and advice in managing project risks and to create professional risk-management products throughout the core stages of the project life cycle. At the time of reporting, contract negotiations were at an advanced stage and the signing of contracts was expected imminently.

53. Contract management, as well as coordination of the efforts between the specialist risk-management firm and the local project teams at ECA and ESCAP and other key stakeholders, will be performed by the Project Coordinator (P-4).

IV. Updated capital maintenance programme

54. In 2017, feasibility studies were successfully completed for two of the projects for which resources were included under section 33 of the programme budget for the biennium 2016-2017: the replacement of office blocks A to J at the United Nations Office at Nairobi and the renovation of the north building at ECLAC. The results of those studies will be reported in detail to the General Assembly in separate reports on those projects at the main part of the seventy-second session.

Updated list of near-term capital projects

55. An updated list of ongoing approved, proposed and projected near-term capital projects is reflected in figure II. For general reference, the requirements for the biennium 2016-2017 have been included. In addition, the requirements for the flexible workplace strategy in New York have been included in accordance with section XVI, paragraph 17, of General Assembly resolution 71/272 A.

56. In line with resolution 69/274 A, in which the General Assembly emphasized that the development of a long-term capital programme should include within its scope a prioritization strategy, the projects initially proposed were prioritized in accordance with needs-based assessments. The priority of the projects included in the previous report (A/70/697) remains largely unchanged, although several projects that were initially planned to commence in the biennium 2018-2019 (namely, those listed under section 4, anticipated near-term capital projects, in figure II) have been deferred to start no sooner than the biennium 2020-2021, owing to resource constraints or the fact that feasibility studies conducted in the biennium 2016-2017 yielded inconclusive results to the extent that projects could not begin as originally envisaged.

Figure II

Sequencing of near-term capital projects and other construction works (projected timeline and capital requirements for the period 2016-2027)

(Millions of United States dollars)

Project	Requirements	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027
1. Approved and ongoing capital projects													
United Nations Office at Geneva - strategic heritage plan (appropriation)[a]	392.9	32.6	10.5	33.8	52.5	95.8	59.6	91.2	16.9				
United Nations Office at Geneva - strategic heritage plan (Loan from the Government of Switzerland)[a]	400.1		37.7	58.4	54.4	95.8	59.6	91.2	3				
Economic and Social Commission for Asia and the Pacific - seismic mitigation project	40.4	0.38	0.75	4.11	8.79	7.72	13.2	5.2	0.23				
Economic Commission for Africa - Africa Hall renovation	56.8	3.1	2	14.07	15.2	17.4	5.03						
Estimated total cost for approved capital projects	490.1	36.08	13.25	51.98	76.49	120.92	77.83	96.4	17.13				
2. Long-term accommodation needs													
Headquarters - flexible workplace strategies	53.1	5.95	10.47	13.73	13.37	9.53							
Headquarters - long-term accommodation needs													
Estimated cost	To be determined												
3. Projects proposed in the 2018-2019 budget period													
United Nations Office at Nairobi - blocks A to J													
Estimated cost	70.0		0.55	0.6	2.5	6.8	29.0	9.5	20.2	1.3			
Economic Commission for Latin America and the Caribbean -- north building													
Estimated cost	14.1		0.06	0.2	0.6	0.4	6.2	6.5	0.3				
4. Anticipated near-term capital projects													
Economic Commission for Africa -- old office building													
Estimated cost	13.7					3.1		5.3		5.3			
United Nations Office at Nairobi -- site infrastructure													
Estimated cost	18.8					3.1		4.2		5.4		6.1	
Economic Commission for Africa -- cafeteria and library													
Estimated cost	12.0					2.3		4.7		2.5		2.5	
Estimated total cost for anticipated capital projects (3+4)			0.61		3.9		50.86		50.69		14.48		8.60
5. Ongoing construction, alteration, improvement and major maintenance projects (sect. 33 of the programme budget)													
Estimated total for requirements under section 33[b]			33.4		29.9		29.9		29.9		29.9		29.9
Estimated total cost for capital projects and requirements under section 33			**99.8**		**189.3**		**289.0**		**194.1**		**44.4**		**38.5**

Legend:

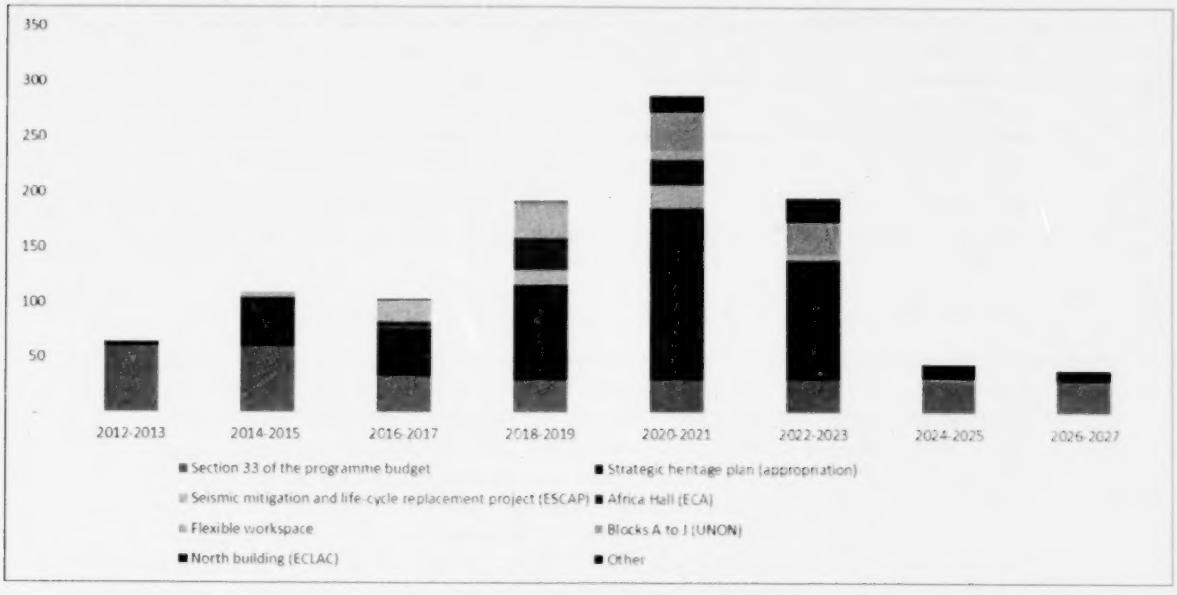
- Planning and design phases
- Construction phase
- Implementation phase of projects not yet approved
- Planning phases of projects not yet approved

[a] Requirements for the strategic heritage plan are indicated in Swiss francs.

[b] Amounts under section 33 for Headquarters reflect facilities-related requirements only and exclude resources for information and communications technology infrastructure and enterprise network and security. For the purposes of the present report only, requirements under section 33 are assumed to remain at proposed 2018-2019 levels in future bienniums, until the General Assembly has considered the forthcoming report of the Secretary-General on strengthening capital maintenance.

57. Figure III shows the project capital requirements on a per biennium, per project basis.

Figure III
Projected total capital requirements, 2018-2027
(Millions of United States dollars)



Note: Data for 2012-2013, 2014-2015 and 2016-2017 are included for reference purposes.
Abbreviations: ECA, Economic Commission for Africa; ECLAC, Economic Commission for Latin America and the Caribbean; ESCAP, Economic and Social Commission for Asia and the Pacific; UNON, United Nations Office at Nairobi.

Strategic heritage plan of the United Nations Office at Geneva

58. The Secretary-General will submit his fourth annual progress report on the strategic heritage plan at the main part of the seventy-second session of the General Assembly. For general reference and planning purposes, the resource requirements included in the present report on the strategic capital review are indicative of the second financing option, which entails use of the loan of 400 million Swiss francs provided by the Government of Switzerland and appropriation and assessment of the remaining 392 million Swiss francs, assessed on an annual basis according to projected expenditures. Since the General Assembly has not yet approved the scheme of appropriation and assessment for the project, future reports on the strategic capital review will include updated information on the basis of the decision taken by the Assembly.

59. The present report also assumes loan repayment requirements after 2023, in accordance with the second option.

Seismic mitigation retrofit and life-cycle replacement project at the Economic and Social Commission for Asia and the Pacific premises in Bangkok

60. In section IV of its resolution 71/272 A, the General Assembly approved the proposal to undertake a seismic mitigation retrofit and life-cycle replacement project to comply with national codes and mitigate health and safety risks for staff and visitors. The project is to be implemented in six phases from 2016 to 2023, comprising: (a) in 2016, pre-planning activities, including an inspection, a

feasibility study and the preparation of a business case (completed); (b) from 2017, planning, including the establishment of a project team, development of a project programme, architectural requirements and project governance; (c) development of a detailed structural seismic retrofit and architectural design, specifications and scope of works; (d) development of bidding documents; (e) construction and handover; and (f) project close-out.

61. In the biennium 2016-2017, ESCAP established a stakeholders committee for the project as a key aspect of the overall governance structure, completed the recruitment of the dedicated project management team, sourced the lead architectural consultancy services and independent risk-management consultancy services and verified the initial seismic design. It is currently undertaking a study on space efficiency, energy efficiency and accessibility for persons with disabilities.

62. The Secretary-General will submit his first annual progress report on the seismic mitigation and life-cycle replacement project at the main part of the seventy-second session of the General Assembly.

Africa Hall project at the Economic Commission for Africa in Addis Ababa

63. In its resolution 70/248 B, the General Assembly approved the project scope, schedule and estimated cost in the amount of $56.9 million for the renovation of Africa Hall and the visitors' centre. The main objectives of the renovation project are to: (a) address the inadequacies related to building safety and functionality and to transform Africa Hall into a rejuvenated facility that complies with the highest international standards for conference facilities; (b) preserve and restore the historical and cultural value embedded in its architecture; and (c) include a visitors' centre to make Africa Hall one of the leading tourist destination in Addis Ababa and to highlight its significant role in modern African history.

64. The Africa Hall renovation project comprises five stages, of which the preparation and design stages have been completed. The third stage, pre-construction, is currently under way with the preparation of tender documents by the lead consultant. This will be followed by the construction and project close-out stages.

65. The Secretary-General will submit his annual progress report on the renovation of Africa Hall project at the main part of the seventy-second session of the General Assembly.

Replacement of office blocks A to J at the United Nations Office at Nairobi

66. As indicated in an earlier report on the strategic capital review (A/69/760, para. 34), the Secretary-General recommends the replacement of the prefabricated blocks A to J at the United Nations Office at Nairobi as the blocks were constructed as temporary facilities in 1974 and are now 40 years old, have exceeded their useful life and are in urgent need of replacement. The aim is to create a more modern, flexible and efficient workspace environment to accommodate an increased number of staff on the compound and to comply with all local and international building regulations.

67. In 2016-2017, the Office completed a feasibility study and an initial scope review, including structural, seismic and detailed space usage studies. The findings of the study will be reported in a separate report at the main part of the seventy-second session of the General Assembly.

68. The feasibility study included three possible options for implementing the project. The recommended option entails the construction of a new "right-sized" building to replace blocks A to J, and a comprehensive renovation of the remaining

parts of the complex by employing flexible workplace strategies. This would meet the existing space needs of the Office's occupants and tenants, and would also meet the projected needs of the United Nations specialized agencies, funds and programmes currently housed outside the secure complex of the United Nations Office at Nairobi. The total project cost is estimated at $69.88 million, to be undertaken over seven years, from 2018 to 2024.

69. The projected annual requirements of the recommended option are included in figure II above, under section 3, projects proposed in the 2018-2019 budget period.

North building refurbishment at the Economic Commission for Latin America and the Caribbean

70. As indicated in the previous report, the north building at ECLAC, which was originally conceived as a temporary building, was built in 1989. Given the age of the building and the fact that it was intended to be temporary, maintenance costs are high and remodelling will be costly. The recommended action is, therefore, to execute a complete building refurbishment, retaining the main structure, fireproofing the building and replacing the roof, facade and interior finishes.

71. In the biennium 2016-2017, a feasibility study and an initial scope review were completed, including structural, seismic and detailed space usage studies. The findings of the study will be reported in a stand-alone report at the main part of the seventy-second session of the General Assembly.

72. The feasibility study included two possible options for implementing the project. The recommended option entails the renovation of the north building in one phase, utilizing on-site swing space. The total project cost is estimated at $14.12 million, to be undertaken over six years, from 2018 to 2023.

73. The projected annual requirements of the recommended option are included in figure II above, under section 3, projects proposed in the 2018-2019 budget period.

Ongoing construction, alteration, improvement and major maintenance projects under section 33 of the programme budget

74. The estimated amounts for Headquarters under section 33, construction, alteration, improvement and major maintenance, shown in figures II and III above, reflect facilities-related requirements only and exclude resources for information and communications technology infrastructure and enterprise network and security. For the purposes of the present report only, requirements under section 33 of the programme budget are assumed to remain at the proposed 2018-2019 levels in future bienniums, until the General Assembly has considered the forthcoming report of the Secretary-General on strengthening capital maintenance.

V. Other considerations

A. Accessibility

75. In line with resolution 70/170 on the full realization of an inclusive and accessible United Nations for persons with disabilities and with section V, paragraph 4, of resolution 68/247 B on the strategic capital review, in which the General Assembly emphasized the importance of eliminating physical, communication and technical barriers for persons with disabilities, the present report highlights several initiatives undertaken by the Secretariat to this end within the reporting period.

76. In June 2017, a working group of the Interdepartmental Task Force on Accessibility, chaired by the Facilities Management Service in New York, launched a survey soliciting feedback from the user community at Headquarters regarding the performance of the facilities relating to accessibility. The survey is open to Member State representatives, staff, civil society and the public.

77. The existing facilities meet or exceed the prevailing accessibility requirements of the host country, the Americans with Disabilities Act. However, as indicated in the previous report on the strategic capital review, the intention for ongoing and planned projects is to determine whether it is feasible to exceed those requirements and to apply a set of international best practices, based on specific user needs.

78. Once feedback is received and directed to the relevant office, the Secretariat will determine the course of action to address the requirements. This will include whether requirements can be met through reasonable accommodation, capital investment or other services, and whether they can be met within existing resources or would require additional resources.

79. The practice of soliciting user feedback through the establishment of project working groups is also currently being employed by the United Nations Office at Geneva as part of the strategic heritage plan, by ECA as part of the Africa Hall project and by ESCAP as part of the seismic mitigation project. It is expected that the survey in New York will be adapted and used by other offices as an example of best practice and that the solicitation of targeted user feedback, in addition to being used for capital planning, will become a standard part of ongoing operations in future.

80. With respect to the renovation of Africa Hall, the project team has performed a landmark study that is also expected to be adopted by other offices. The study, which was conducted by the consulting architectural and engineering design firm for the project, with input from an accessibility task force that was established for the project (see A/72/374), compared five prevailing sets of standards for key areas affecting all United Nations facilities with respect to accessibility for persons with mobility-related disabilities.

81. The study compared standards from Australia, the European Union, Singapore, the United Kingdom of Great Britain and Northern Ireland and the United States of America, in areas such as the required slope and width of ramps, the design of door openings and toilet rooms and other key design aspects. The project team compiled a list of the best of these standards, which will be used to determine whether it is feasible for the project at ECA to establish the highest international standard and, furthermore, whether this new standard could also be applied incrementally to future projects.

82. At the time of reporting, the process of pricing various initiatives and determining how they might be financed, for example, through existing resources, donations or other options, was under way. The study has been shared with all offices through the Inter-Agency Network of Facilities Managers.

B. Flexible workplace strategies

83. The Secretary-General will submit a progress report on the implementation of flexible workplace strategies in New York at the main part of the seventy-second session of the General Assembly. The report will highlight progress made since the first annual progress report (A/70/708).

84. In line with section XVI, paragraph 17, of resolution 71/272 A, the flexible workplace strategies project in New York has been included in the present report on

the strategic capital review. The projected annual expenditures for flexible workplace are included in figures II and III.

85. It should be noted that, whereas the business case for a flexible workplace in New York clearly indicates a favourable payback period, the table and figures included in the present report list the capital requirements only, that is, there is no distinction made between the capital outlay and the expected income or return to be generated by or future cost avoidance associated with each project.

86. In addition to the progress made in New York, in accordance with paragraph 19 of the report of the Advisory Committee on Administrative and Budgetary Questions on the construction of a new facility for the International Residual Mechanism for Criminal Tribunals, Arusha branch (A/71/812), endorsed by the General Assembly in its resolution 71/282, the Secretariat has ensured that proposals for construction projects incorporate clear baseline data and flexible workplace elements, wherever possible, from the outset.

87. To this effect, and also in line with the recommendation of the Board of Auditors (A/71/5 (Vol. I), para. 131), in early 2017 the Office of Central Support Services developed a standardized methodology for conducting space utilization studies at all duty stations. The methodology includes set parameters for the type and number of spaces to be surveyed, the duration and frequency of the data acquisition period, a standard report format and a sample data analysis presentation.

88. As per the separate reports issued on the strategic heritage plan in Geneva and the proposed replacement of blocks A to J in Nairobi, the average utilization rate at these locations is approximately 45 per cent, which is the same result found in New York and is, in fact, similar across other organizations in other business sectors. It can therefore be expected that other studies, which are planned or currently under way at ECA and ESCAP, will yield similar results.

89. In line with the objectives of the strategic capital review, which include space usage efficiency, all ongoing or proposed projects included in the review include flexible workplace strategies, wherever possible.

C. Sustainability

90. In response to resolutions 70/205 and 71/228, in which the General Assembly requested the Secretary-General to submit an action plan for the Secretariat that would be designed to work within existing procurement rules and policies aimed at integrating sustainable development practices into its operations and facilities management, building on existing efforts and promoting cost-effectiveness, and in accordance with legislative frameworks, including financial rules and regulations, while maintaining accountability to Member States, with the specific goal of a United Nations that did not, through its operations or facilities management, have a negative impact on the climate, an action plan to establish environmental management systems at Secretariat locations was put forward in a note by the Secretariat (A/71/608).

91. In line with the objectives of the strategic capital review, the capital projects included in the present report include sustainability initiatives. Foremost among them are initiatives to increase efficiency and reduce energy consumption. However, the projects also include other sustainability-related benefits, some of which do not have direct or immediately quantifiable benefits for the Organization. These include the reduction of greenhouse gas emissions, increased water efficiency, improvement of indoor air quality and the removal of hazardous materials.

92. Furthermore, in line with the guidance received from the General Assembly on various projects, the offices undertaking capital projects have ensured that baseline data are collected prior to the implementation of the projects, so that energy and other environmental benefits may be measured accurately (if they are quantifiable) following the implementation of the projects.

D. Impact of the global service delivery model and other business transformation initiatives

93. In line with the recommendation of the Advisory Committee (A/70/7/Add.43, para. 5) that future reports on the strategic capital review include information on the possible impacts of the implementation of Umoja, flexible workplace strategies and the global service delivery model, should they result in significant changes in staffing levels and/or the total number of assigned seats at the duty stations included in the strategic capital review as compared with existing conditions, the Office of Central Support Services continues to monitor these developments.

94. The impact of flexible workplace strategies is addressed above and detailed information is included in the stand-alone reports. At present, the impact of the global service delivery model is not known. In addition, Umoja has no known impacts that would change the project proposals contained in the present report.

95. In the meantime, however, and as indicated in previous reports on the strategic capital review, the Secretary-General considers that it is prudent practice for the management and stewardship of the real estate assets of the Organization to proactively pursue a capital maintenance programme for these assets.

96. It should be noted that none of the construction and renovation projects proposed and summarized in the present report entails the expansion of United Nations facilities. The projects currently entail only the renovation or replacement of existing buildings.

E. Alternative financing options

97. The Secretary-General has been soliciting voluntary contributions from Member States, both in cash and in kind, in the context of the strategic heritage plan, as well as the construction projects at ECA and ESCAP, and intends to continue to do so for the forthcoming projects. Wherever relevant and possible, the use of income received from tenants will also be proposed to Member States, as well as from the valorization of United Nations-owned real estate assets and energy-related subsidies. Those options will be presented in the relevant project reports.

VI. Recommended actions to be taken by the General Assembly

98. **It is recommended that the General Assembly:**

(a) **Take note of the present report;**

(b) **Request the Secretary-General to submit an updated report on the long-term capital maintenance programme (2020-2039) at the main part of the seventy-fourth session.**

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Promotion and protection of human rights: human rights situations and reports of special rapporteurs and representatives

Situation of human rights in the Democratic People's Republic of Korea*

Note by the Secretary-General

The Secretary-General has the honour to transmit to the General Assembly the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea, Tomás Ojea Quintana, submitted in accordance with General Assembly resolution 71/202.

* The present report has been submitted after the deadline in order to take into consideration recent political and security developments of particular importance for the human rights situation under review.

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Report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

Summary

In the present report, the mandate holder takes stock of the monitoring and advocacy activities that he conducted in his first year as Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea. The Special Rapporteur outlines political and security developments with direct implications for the country's human rights situation, as well as efforts by the authorities to engage with United Nations human rights mechanisms. In addition, the Special Rapporteur reviews recent trends that were brought to his attention, including through interviews with people who have recently left the Democratic People's Republic of Korea and other sources from civil society and the United Nations system. On the basis of that information, the Special Rapporteur outlines proposals to promote changes on the ground and reiterates the need for the Government to take immediate action to redress grave human rights violations.

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I. Introduction

1. The present report outlines and analyses developments regarding the situation of human rights in the Democratic People's Republic of Korea since the previous report of the Special Rapporteur, submitted to the General Assembly, at its seventy-first session, in October 2016 (A/71/402).

2. The human rights situation in the Democratic People's Republic of Korea has been subject to close international scrutiny for several years. Although restrictions on access for independent human rights monitors have made it challenging to collect up-to-date information, patterns of serious violations continue to be documented by various external sources. Calls have been made to ensure accountability for crimes against humanity, including through referral to the International Criminal Court. In response, the Democratic People's Republic of Korea has maintained a generally defensive stance, accusing some countries of sponsoring a politically-driven campaign against its leadership. Nonetheless, the Democratic People's Republic of Korea has made more efforts to engage with United Nations human rights mechanisms than in the past.

3. The Special Rapporteur assumed his functions a little over a year ago, in a context that required identifying ways to achieve a balance between pursuing accountability for the violations that had been uncovered and promoting engagement with the country to redress the situation. Recent developments have shown that the two goals reinforce, rather than undermine, one another. The more the international community has insisted on the necessity of seeking justice and upholding universal human rights principles, the more the authorities have seemingly opened to a conversation with human rights mechanisms on ways to fulfil their obligations, at least in certain areas. The trend highlights the opportunity for the international community to improve the situation in the Democratic People's Republic of Korea through multiple channels. In particular, it shows that the process of reporting to human rights mechanisms can trigger substantive interactions with the authorities, with a focus on making progressive changes to laws, policies and decision-making processes.

4. In the present report, the Special Rapporteur outlines the activities he conducted in the past year with that objective in mind. Although the Democratic People's Republic of Korea continues to reject the country mandate, the mandate holder has been able to work with various actors to collect, document and evaluate information on the situation in the country. The Special Rapporteur has been committed to meeting the highest standards of independence, impartiality and accuracy in assessing the data. Some of the input for the present report has been provided through interviews with people who left the Democratic People's Republic of Korea in late 2016 and in 2017. Although the Government has accused its nationals abroad of giving false testimonies, the information received has been cross-checked with other independent sources, making it difficult to invalidate. The Special Rapporteur would have preferred to receive and analyse those testimonies in the Democratic People's Republic of Korea, including the views of the authorities. However, the Government rejected his requests to carry out a country visit.

II. Overview of the political and security situation

5. A number of key developments have marked the period under review, the most striking of these being the launch of long-range missiles using ballistic technology. Between 1 January and 31 August 2017, the Democratic People's Republic of Korea fired 13 missiles, surpassing the total number of successful attempts that had been

carried out in the past three decades. A nuclear test was conducted on 9 September 2016, resulting in the adoption by the Security Council of resolution 2321 (2016), which condemned the country's pursuit of ballistic and nuclear weapons at the expense of its own people's welfare. In June 2017, the Security Council decided to strengthen its sanctions regime against the Democratic People's Republic of Korea. In its resolution 2356 (2017), the Security Council announced a travel ban and asset freeze with regard to certain officials; a number of trading firms in the extraction and financial industries were also blacklisted. On 5 August 2017, Security Council resolution 2371 (2017) was passed with the aim of reducing export revenues by a third. The updated sanctions extended export bans to sectors such as coal, iron, lead and seafood, and restricted joint ventures with entities or individuals in the Democratic People's Republic of Korea. On 3 September 2017, authorities of the Democratic People's Republic of Korea announced that they had tested a hydrogen bomb, prompting an emergency meeting of the Council and the prospect of further sanctions being imposed.[1]

6. The Special Rapporteur is concerned about the possibility that Security Council sanctions may have a detrimental impact on certain vital economic sectors for part of the population, and reiterates the need to give human rights concerns further consideration when drafting and revising sanction resolutions to ensure that they do not affect ordinary people's livelihoods. The Security Council sanctions regime is not punitive in nature, and a comprehensive assessment of its unintended negative impact on the enjoyment of human rights, in particular economic, social and cultural rights, is needed.[2] For instance, the Special Rapporteur was informed that Security Council sanctions may have prevented access for cancer patients to essential chemotherapeutic medicine. As pointed out by the Special Rapporteur on the negative impact of unilateral coercive measures on the enjoyment of human rights, international organizations applying economic sanctions are under the obligation "to take steps, individually and through international assistance (...) in order to respond to any disproportionate suffering experienced by vulnerable groups within the targeted country".[3] The Government of the Democratic People's Republic of Korea should seek every opportunity to engage in meaningful analysis of the economic and social impact of international sanctions, including through the provision of relevant and reliable statistical data.

7. As political and military tensions have escalated, a series of harsh declarations were made by the Democratic People's Republic of Korea and other Governments. Tensions peaked on several occasions, including in April 2017, when the United States of America deployed an aircraft carrier group to East Asia in response to the missile launches by the Democratic People's Republic of Korea. The Special Rapporteur issued an appeal to all countries concerned to reduce conflict rhetoric and incitement to armed confrontation,[4] and he remains deeply concerned about the statements and actions that continue to feed hostilities. The Special Rapporteur considers that this environment reduces opportunities to discuss the vital needs and protection concerns of ordinary citizens in the Democratic People's Republic of

[1] Although the present report covers the period ending 31 August 2017, this development may have serious short-term implications that require it be included in the overview.

[2] The 2014 Commission of Inquiry established that it "does not support sanctions imposed by the Security Council or introduced bilaterally that are targeted against the population or the economy as a whole". See A/HRC/25/63, para. 94 (a).

[3] The assessment refers to the Committee on Economic, Social and Cultural Rights, general comment No. 8 (1997) on the relationship between economic sanctions and respect for economic, social and cultural rights. See also the report by the Special Rapporteur, A/71/287.

[4] Office of the United Nations High Commissioner for Human Rights (OHCHR), "UN human rights expert urges halt to conflict rhetoric on Korean peninsula", 25 April 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21526&LangID=E.

Korea. The international community has a particular responsibility to ensure the disputes do not escalate into armed conflict, to prevent an arms race in the region, and to create the necessary conditions for a dialogue to take place, including in the area of human rights.

8. In May 2017, Moon Jae-in was elected president of the Republic of Korea, following the impeachment of the former president, Park Geun-hye. President Moon played a key role in the "sunshine policy" of the early 2000s that sought to normalize relations between the two Koreas and encourage economic cooperation. Soon after taking office, President Moon announced an initiative to resume dialogue in the military and humanitarian fields. Whereas joint preventive activities to fight malaria resumed in May 2017, no bilateral military talks had been held as at the time of writing. However, in June 2017, the Moon administration suspended the deployment of the United States Terminal High Altitude Area Defence system pending an environmental impact assessment of the anti-missile system. In July 2017, President Moon outlined his plan to seek denuclearization and unification through peaceful means in a speech in Berlin. He also reaffirmed his country's commitment to working in close coordination with the United States and other regional and international allies to ensure peace and prosperity for all in the Korean Peninsula. The policy of President Moon maintains that any decision by the United States regarding the security situation in the Democratic People's Republic of Korea should be based on continued consultation with the Republic of Korea, which has helped mitigate the impact of hostilities that have built up in recent months.

9. The Special Rapporteur learned that the Democratic People's Republic of Korea welcomed the call for dialogue in President Moon's speech, emphasizing that its leader made a few such calls in the past to the Republic of Korea without success. The calls included two offers of dialogue made by the Supreme Leader of the Democratic People's Republic of Korea since 2015. The Government of the Democratic People's Republic of Korea reportedly criticized the choice of Berlin for President Moon's first speech abroad, because of the specific model of unification that it represents.[5] Furthermore, the continued pursuit of joint military exercises between the Republic of Korea and the United States is said to have undermined trust in the pledge made by President Moon, from the perspective of the Democratic People's Republic of Korea. Nonetheless, there are signs that the Democratic People's Republic of Korea is open to resuming peace talks in two separate tracks with the Republic of Korea and the United States. In addition, reopening the Kaesong industrial complex seems to be on the agenda of the two Koreas. The Special Rapporteur welcomes further rapprochement between the two countries and once more strongly encourages the Democratic People's Republic of Korea to use it as a platform to discuss human rights.

III. Cooperation between the Government of the Democratic People's Republic of Korea and the United Nations human rights system

10. The role of international cooperation in realizing human rights has been recognized as a core component of the United Nations system since it was established, a principle enshrined in Article 1.3 of the Charter of the United Nations

[5] It is worth noting that the speech, which was delivered in the former "East Berlin", outlined a vision of unification in which the Republic of Korea "will not work towards any kind of unification through absorption, neither will we pursue an artificial unification". Bae Hyun-jung, "Full text of Moon's speech at the Korber Foundation", *The Korea Herald*, 7 July 2017. Available from www.koreaherald.com/view.php?ud=20170707000032.

and in the preamble of the Universal Declaration of Human Rights. The Special Rapporteur has attempted to broaden the scope of cooperation with the Democratic People's Republic of Korea as a State Member of the United Nations, bound by the Charter, and as a State party to several human rights treaties. His efforts have included reaching out not only to the national authorities, but also to other human rights mechanisms and to civil society organizations at the international and regional levels. The Special Rapporteur stresses that it is important to achieve all forms of international cooperation, in particular to challenge the misconception that cooperation implies interference in the domestic affairs of the Democratic People's Republic of Korea. The Special Rapporteur will continue to seek an incremental, multi-actor strategy aimed at achieving improvements in the situation on the ground. The approach will bring together different efforts without undermining the country mandate, which remains a key component of the human rights system.

A. Mandate of the Special Rapporteur

11. The Democratic People's Republic of Korea continues to reject the mandate of the Special Rapporteur and did not approve two requests to carry out official country visits, in November 2016 and July 2017. The Special Rapporteur has also exchanged correspondence with the Permanent Mission of the Democratic People's Republic of Korea to the United Nations in Geneva, seeking follow-up on a proposal made by the country's diplomats in New York to facilitate a private visit of the mandate holder in his capacity as Professor of Law from Argentina.[6] The visit would have involved, the Special Rapporteur understands, taking part in academic events or providing a technical opinion on the human rights aspects of joint programmes with the United Nations. While the Special Rapporteur signalled his availability for further discussion, the Permanent Mission in Geneva declined taking the conversation forward as long as he remained the mandate holder. The Special Rapporteur continues to have informal contacts with officials of the Democratic People's Republic of Korea with the support of a wide network of regional and international civil society organizations, and urges the country to consider those avenues for dialogue as a starting point for formal cooperation with his mandate.

B. Office of the United Nations High Commissioner for Human Rights field-based structure in Seoul

12. The Democratic People's Republic of Korea has declined to cooperate with the Office of the United Nations High Commissioner for Human Rights (OHCHR) field-based structure in Seoul, which has been actively monitoring the human rights situation in the Democratic People's Republic of Korea since June 2015.[7] The Office continues to collect information including through interviews with persons who have left the Democratic People's Republic of Korea. It has undertaken outreach and advocacy activities in the North-East Asia region and beyond, and continues to seek engagement and capacity-building with Governments, civil society and other stakeholders. The mandate of the Special Rapporteur is supported by OHCHR. In December 2016, OHCHR released a thematic report on the human rights dimension of the involuntary separation of Korean families, which proposes a victim-centred and rights-based approach to the resolution of that long-standing

[6] Press briefing by the Permanent Representative of the Democratic People's Republic of Korea in New York,15 November 2016, available from webtv.un.org/media/watch/kim-in-ryong-dprk-press-conference-15-november-2016/5211267770001.

[7] See Human Rights Council resolution 25/25.

issue.[8] The Special Rapporteur urges the Democratic People's Republic of Korea to implement those recommendations and to explore further thematic areas in which a dialogue with OHCHR could take place.

C. Group of independent experts on accountability

13. The Democratic People's Republic of Korea refused to cooperate with the group of independent experts on accountability for human rights violations in the Democratic People's Republic of Korea established pursuant to Human Rights Council resolution 31/18. The group presented its recommendations in an addendum to the report of the Special Rapporteur to the Human Rights Council in February 2017.[9] The group stressed the importance of adopting a multi-pronged and comprehensive approach to address human rights violations in line with international norms and standards, including the need to seek accountability through the International Criminal Court or an ad hoc international tribunal. In addition, the group recommended undertaking coordinated and comprehensive consultations with victims and other relevant stakeholders to seek their views on accountability. The group also called on the Human Rights Council and the General Assembly to strengthen OHCHR through additional resources to enhance its current monitoring and documentation efforts in line with international norms and standards. This includes supporting an assessment of available information and evidence by international criminal justice experts to identify gaps and develop possible investigation and prosecution strategies, as well as blueprints of suitable international or internationally assisted court models. The Human Rights Council, in its resolution 34/24, decided to strengthen OHCHR, to allow for an enhancement of current monitoring and documentation efforts and establishing a central information and evidence repository with a view to developing possible strategies to be used in any future accountability process. The Special Rapporteur will closely attend to the implementation of the resolution.

D. United Nations human rights mechanisms

14. Notwithstanding its rejection of the mandates mentioned above, the Democratic People's Republic of Korea has recently taken steps to engage with other United Nations human rights mechanisms. On 6 December 2016, the country ratified the Convention on the Rights of Persons with Disabilities, its fifth core international human rights treaty.[10] The Special Rapporteur welcomed the ratification, urging the authorities to use it as an opportunity to address other forms of discrimination to which certain groups in society may be subjected.[11]

15. From 3 to 8 May 2017, the Special Rapporteur on the rights of persons with disabilities carried out an official visit to the Democratic People's Republic of Korea at the invitation of the authorities. During the visit she was able to interact with a number of officials, including from the Ministry of Health and the Korean

[8] OHCHR, "Torn apart: the human rights dimension of the involuntary separation of Korean families" (Geneva, 2016).

[9] See A/HRC/34/66/Add.1.

[10] Other core international human rights treaties previously ratified are: the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Discrimination against Women and the Convention on the Rights of the Child.

[11] OHCHR, "Use disability convention to boost human rights in North Korea-UN expert", 20 December 2016. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21051&LangID=E.

Federation for the Protection of the Disabled, and she visited some facilities in Pyongyang and Pongchon in South Hwanghae Province. She highlighted progress in some areas, such as the recognition of Korean sign language as an official language. However, she noted the prevalence of a medical model of disability that reinforces stigma against persons with disabilities in society. She also agreed to a Government request for technical assistance in the area of accessibility and international standards regarding universal design.[12] The Special Rapporteur on the rights of persons with disabilities is scheduled to report, to the Human Rights Council in March 2018 on the findings and recommendations of the visit.

16. The national report of the Democratic People's Republic of Korea to the Committee on the Elimination of Discrimination against Women is scheduled for review in November 2017. The list of issues that was drawn by the pre-sessional working group included questions to the authorities on specific measures taken to prohibit discrimination against women in the public and private spheres; the availability of a legal counsel and other essential elements of access to justice for women; the protection of women returnees from abroad; and the protection of victims of trafficking (see CEDAW/C/PRK/Q/2-4). The country's report to the Committee on the Rights of the Child will be reviewed in September 2017. The list of issues adopted by the pre-sessional working group included measures taken by the authorities to protect children from torture and establish appropriate sanctions against perpetrators; to ensure that children who leave the country without authorization are not subjected to punishment; and to make available recent disaggregated statistics regarding the number and situation of children in detention, including those held in political prison camps, as well as children suffering from malnutrition and those of non-Korean ethnic origin, among other groups (see CRC/C/PRK/Q/5). The Special Rapporteur encourages treaty bodies to further engage with the Democratic People's Republic of Korea and explore the possibility of carrying out a field visit to allow for a detailed needs assessment and the identification of capacity gaps.

17. The Democratic People's Republic of Korea should make the most of the opportunities that have been created with the ratification of the Convention on the Rights of Persons with Disabilities, the visit of the Special Rapporteur on the rights of persons with disabilities and the reviews by the Committee on the Elimination of Discrimination against Women and the Committee on the Rights of the Child. In particular, the Government should reach out to a wide range of available sources of expertise within the special procedures of the Human Rights Council and treaty bodies to discuss opportunities for technical assistance that will help it develop human rights-compliant legislation and related public policies. In addition, the country should release updated national statistics that can help set up capacity-building programmes with specific goals, time frames and performance indicators for monitoring and evaluation.

18. It is not clear whether the authorities have made any efforts to assess the state of implementation of the numerous recommendations that the Democratic People's Republic of Korea had accepted in the latest cycle of the universal periodic review in 2014.[13] The country had asserted that "a broad consultation was made among

[12] OHCHR, "End of mission statement by the United Nations Special Rapporteur on the rights of persons with disabilities, Ms. Catalina Devandas-Aguilar, on her visit to the DPRK", 8 May 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21610&LangID=E.

[13] List of universal periodic review recommendations accepted by Democratic People's Republic of Korea, available from www.upr-info.org/sites/default/files/document/korea_dpr/session_19_-_april_2014/a_hrc_wg.6_19_prk_1_annex_e.pdf.

national institutions and organizations concerned".[14] More information is needed on the process whereby the consultation was conducted and whether there is a need for technical support from the United Nations. Previous measures, such as the enactment of the 2010 Law on the Protection and Promotion of the Rights of Women, have shown that the universal periodic review and other mechanisms can drive tangible changes in national human rights legislation. The strategic framework for cooperation between the United Nations and the Government of the Democratic People's Republic of Korea for the period 2017-2021 has integrated the relevant recommendations within the country team's strategic priorities and made provisions to monitor their status of implementation with the Government.[15] Moreover, a number of non-governmental organizations based outside the country are monitoring progress in implementing accepted universal periodic review recommendations.[16] The Special Rapporteur encourages those efforts and calls upon the authorities to take steps towards the implementation of the recommendations that they accepted, including, where applicable, through technical cooperation with relevant United Nations entities. Some of those actions, such as acceding to remaining international human rights instruments, ensuring that humanitarian aid is distributed transparently and taking steps to facilitate the travel of its citizens abroad, can be taken immediately as they require no additional financial resources. Other recommendations that the Government supported, such as to strengthen national institutions for the protection and promotion of human rights, open a space for dialogue and technical support from the international community. States Members of the United Nations have an important responsibility to ensure that those recommendations translate into concrete actions. The universal periodic review is among the few platforms currently available to conduct a wide-ranging and meaningful human rights analysis of country situations and to share best practices. Endorsing recommendations, however, means nothing without consistent implementation and Member States should continue to monitor progress beyond the review itself and offer their technical and financial support, as required.

19. The Special Rapporteur encourages the country team in the Democratic People's Republic of Korea to continue working with the authorities to assess the status of implementation of the recommendations from the universal periodic review. He recommends that cooperation in those areas be based on the guidelines of the 2013 Human Rights Up Front initiative, which has been endorsed by the Secretary-General, with a view to preventing serious human rights violations. This includes, among other requirements, increased access to groups that are most vulnerable to shortages in food distribution and in the provision of health care. For instance, follow-up on accepted recommendations in the area of health care should be carried out in close coordination with the World Health Organization, whose latest estimate was that 11,000 children and 271,000 adults in the Democratic People's Republic of Korea were affected by tuberculosis.[17] The World Food Programme has also found that 25.4 per cent of children in the nurseries they support continue to suffer from stunted growth.[18] These statistics contrast with the Government's pledge at the last universal periodic review to improve access to basic health care and nutrition for children. In addition, the situation of persons in detention should be considered a priority, given the absence of publicly available

[14] Ibid.

[15] Available from http://kp.one.un.org/content/dam/unct/dprk/docs/DPRK%20UN%20Strategic%20Framework%202017-2021%20-%20FINAL.pdf.

[16] Available from www.nkdb.org/en/news/notice_list.php?board=notice_en&act=view&no=109&page=1&search_mode=&search_word=&cid=&goUrl=/en/news/notice_list.php.

[17] Available from https://extranet.who.int/sree/Reports?op=Replet&name=/WHO_HQ_Reports/G2/PROD/EXT/TBCountryProfile&ISO2=KP&outtype=html.

[18] World Food Programme (WFP), "WFP DPR Korea country brief", March 2017.

official information on the penitentiary system and the lack of access for independent monitors. The country's vulnerability to natural disasters may place detainees at an ever greater risk. In the wake of Typhoon Lionrock in September 2016, the Special Rapporteur urged the authorities to ensure full access for humanitarian workers to prisons and other facilities hosting vulnerable populations in the north-eastern provinces. He recalls that the Government supported, without reservations, recommendation 61 of the universal periodic review, which urged it to "continue giving priority to vulnerable groups in the distribution of international assistance". The Special Rapporteur commends the commitment of United Nations staff working on the ground to improve the living conditions of all persons in the Democratic People's Republic of Korea. He also understands the challenges in reaching some of the target populations, and encourages the Government to take advantage of the presence of United Nations entities to ensure they are able to reach larger parts of the population. The Special Rapporteur stands ready to work in close collaboration with the country team and the Office of the Resident and Humanitarian Coordinator to address those challenges.

IV. Field visits of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea

20. The Special Rapporteur has conducted three official missions since his previous report to the General Assembly. The first mission involved visits to the Republic of Korea from 16 to 22 November 2016 and to Japan from 23 to 25 November 2016. The Special Rapporteur met with Government officials in the two countries, the OHCHR field-based structure in Seoul, non-governmental organizations, human rights defenders and diplomats. The Special Rapporteur also visited resettlement centres in the Republic of Korea for citizens of the Democratic People's Republic of Korea, including a facility for women. He conducted interviews with several residents of those facilities. He also interacted with families of persons in the Republic of Korea and Japan who were abducted by the Democratic People's Republic of Korea and whose fate and whereabouts remain unknown.[19]

21. From 31 May to 4 June 2017, the Special Rapporteur visited Cambodia to take part in a regional civil society dialogue on human rights in the context of humanitarian action and peacebuilding efforts. The discussion brought together a number of non-governmental organizations that are active in the areas of conflict prevention and humanitarian aid, including some that are operational in the Democratic People's Republic of Korea. The meeting focused on the outreach initiatives that have been taken by civil society to promote dialogue with the Democratic People's Republic of Korea, encourage people-to-people contact and provide technical assistance to improve access to food and other basic services. The Special Rapporteur welcomes those efforts and encourages humanitarian and religious organizations to continue building bridges with the authorities and to use those openings as entry points to improve the rights of beneficiaries from technical assistance projects. The Special Rapporteur also notes the scarcity of essential human rights documentation in the Democratic People's Republic of Korea in English and Korean, including on the structure of the United Nations system, the texts of international treaties, the Charter of the United Nations and even the Universal Declaration of Human Rights. The Special Rapporteur calls upon the

[19] OHCHR, "North Korea: UN Expert calls for a people-centred approach", 25 November 2016. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=20937&LangID=E.

United Nations human rights system and the country team to widely disseminate those documents as part of cooperation programmes with the Government. The dissemination of such documents could also provide an opportunity to enable wider access to electronic data storage systems for public officials, on a par with countries at a similar level of development.

22. From 17 to 21 July 2017, the Special Rapporteur visited the Republic of Korea. The mission included meetings with Government representatives, the National Assembly, the OHCHR field-based structure, the diplomatic community and civil society groups. During the visit, the Special Rapporteur met with people who left the Democratic People's Republic of Korea, including a man who wishes to return. The mission also included a visit to a resettlement centre for men who had recently arrived from the Democratic People's Republic of Korea. The Special Rapporteur welcomed President Moon's initiative to resume dialogue with the authorities in Pyongyang, and emphasized the need to place human rights high on the agenda of the bilateral talks. He also reiterated his deep concern about the situation in the Democratic People's Republic of Korea based on the testimonies and other information that he received.[20] The Special Rapporteur plans to visit the North-East Asia region again before the end of 2017.

V. Recent developments in the situation of human rights in the Democratic People's Republic of Korea

23. During his field visits, the Special Rapporteur was able to collect a range of testimonies from men and women who left the Democratic People's Republic of Korea in late 2016 and early 2017. He was informed that, in the first six months of 2017, 650 nationals of the Democratic People's Republic of Korea arrived in the Republic of Korea, 84 per cent of whom were women.[21] The figure represents a decrease of 18 per cent from the same period in 2016, reflecting a possible tightening of border controls. Most witnesses to whom the Special Rapporteur spoke are from the northern provinces of North Hamgyong and Ryanggang, and some lived in Pyongyang. While the interviews did not allow for a comprehensive assessment of the situation throughout the country, especially in the interior provinces, they helped to put together, along with other sources, a picture of recent developments in five main areas: detention conditions; the involuntary separation of families; the right to food; the impact of corruption on human rights; and freedom of information.

A. Situation of persons in detention

24. The Special Rapporteur received testimonies pointing to widespread fear among the population of political prison camps. The apprehension is so fierce that people assume anyone who disappears must be detained in one of the camps that are said to be currently operational (camps Nos. 14, 15, 16 and 25). As a man who left in 2017 stated, "all North Koreans grow up knowing about the existence of political prison camps. We know that when someone disappears they must have been sent to one of them. A friend of mine was taken in 2014 for using a satellite phone from China, and I never saw him again". There is insufficient information on the situation of detainees in those prisons, but the 2014 report of the Commission of Inquiry on

[20] OHCHR, "UN Special Rapporteur urges Seoul and Pyongyang to discuss human rights", 27 July 2017. Available from: www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21913&LangID=E.

[21] Figures provided by the authorities of the Republic of Korea.

human rights in the Democratic People's Republic of Korea situated their number between 80,000 and 120,000 (see A/HRC/25/63). The Government has stated in the past that "political prison camps did not exist and were a complete fabrication", adding that "those persons sentenced to the penalty of reform through labour under the country's Criminal Law [serve] their terms in reform institutions" (see A/HRC/27/10, para. 60). The Special Rapporteur emphasizes the need for the authorities to provide precise statistics on all detainees and conditions of detention, in line with the provisions of the human rights treaties that the country has ratified. The Government's denial of the existence of political prison camps does not preclude the need to disclose information about, and provide access to, the "reform institutions" under its watch.

25. Deplorable conditions of detention are reported in the holding centres near the border with China. A man who was sent back from China in 2016 told the Special Rapporteur that "everyone is treated like trash and beaten frequently at the holding centres. The guards told us we are nothing but human trash". A forcibly repatriated woman described to the Special Rapporteur her ordeal when she was detained for one month along with her daughters at a holding centre in Chongjin in November 2012. She said: "Our hands and feet were so frozen that we were not able to sleep. There was very poor hygiene, and corn was the only food provided to us. They gave my youngest daughter a soup of salt water and a spoon she could not even use". The victim, who tried to escape the country several times, said that the situation had not improved by the time she successfully left in March 2017, and that women remain the target of violent practices by prison officials. Her account corroborates information brought to the attention of the Special Rapporteur by external sources on the treatment of women returnees, who are said to be often held in unsanitary conditions and beaten during interrogation and detention.[22] Sexual and gender-based violence, including invasive searches and sexual assaults, are reported to be common in holding centres. The information also shows that women who were forcibly repatriated from China in recent years believed that any woman who was found to be pregnant would have her pregnancy terminated by force, although the shame and secrecy attached to the practice make precise statistics on cases of forced abortion difficult to collect. The practice does not just breach the international human rights treaties that the Democratic People's Republic of Korea has ratified, but also the country's 2012 Criminal Procedure Law, which prohibits torture (art. 166). The Special Rapporteur is alarmed by those reports and calls upon the authorities to uphold national and international safeguards against the ill treatment of persons in detention, in particular women and children.

26. The Special Rapporteur has received unconfirmed reports indicating that the authorities may have taken some measures to improve detention conditions. For example, the Office of the Prosecutor has reportedly been instructed to inspect some facilities in the past, and some pregnant women in the final stages of pregnancy were reportedly released. Two directives by the Ministry of People's Security may also have been issued in 2010 and 2015 to address the issue of human rights violations in detention. The 2010 directive is said to have urged officials to refrain from violating the rights of detainees during interrogation and allowed citizens to file a complaint. The 2015 directive reportedly addresses the responsibility of prison officials regarding deaths in custody. Those reports, if confirmed, would be an encouraging step forward. The Special Rapporteur urges the Government to share

[22] In this respect, it is worth noting recent calls by Human Rights Watch to protect returnees from China, whom the organization found to "regularly endure torture while being interrogated about their activities abroad". See Human Rights Watch, "South Korea: seek help from North Korean refugees in China", 29 June 2017. Available from www.hrw.org/news/2017/06/29/south-korea-seek-help-north-korean-refugees-china.

the text of those directives, if they exist, as well as any laws and regulations that protect detainees. Further engagement with organizations such as the International Committee of the Red Cross may also help the Government to develop a consistent policy relating to the supervision of regular reporting on detention conditions.

27. The death, on 19 June 2017, of Otto Warmbier, a citizen of the United States who had been given a 15-year prison sentence after he was accused of planning hostile acts against the State, raised questions about detention conditions for foreigners. Mr. Warmbier was arrested in January 2016 and denied basic entitlements, such as access to consular officers and representation by an independent legal counsel. The authorities reportedly said that Mr. Warmbier had developed a case of botulism and had fallen into a coma in March 2016 after prison officials gave him a sleeping pill; he was released from prison, comatose, 15 months later. Doctors in the United States affirmed that Mr. Warmbier had suffered extensive loss of brain tissue and found no evidence to support the claims of the authorities of the Democratic People's Republic of Korea.[23] The Special Rapporteur issued a statement shortly after the release, pointing out the lack of access to adequate medical treatment for prisoners in the Democratic People's Republic of Korea and calling on the Government to clarify the circumstances that led Mr. Warmbier to fall into a coma.[24]

28. On 9 August, Hyeon Soo Lim, a Canadian national, was released from detention by the Democratic People's Republic of Korea, on humanitarian grounds. Mr. Lim had been detained since February 2015 on charges of plotting hostile acts against the State. Although the Special Rapporteur welcomed his release,[25] he remains concerned about the situation of several foreign nationals who are still held in detention in Pyongyang, including six citizens of the Republic of Korea and three citizens of the United States. As a State Party to the Vienna Convention on Consular Relations, the Democratic People's Republic of Korea has the obligation to provide foreign prisoners with essential protections. For example, article 36 of the Vienna Convention confers to foreign detainees in the receiving State the freedom to communicate with and access to consular officers, as well as to arrange for legal representation with their assistance. The lack of opportunities for direct communication with the Democratic People's Republic of Korea regarding those cases has made it difficult for the Special Rapporteur to verify the extent to which the Government has complied with those obligations.

B. Abductions and separated families

29. During his missions, the Special Rapporteur met with the families of nationals of Japan and the Republic of Korea who were abducted by the Democratic People's Republic of Korea. Political tensions have made it difficult to achieve progress in that area and, to date, 12 citizens of Japan and 516 citizens of the Republic of Korea remain unaccounted for. The Democratic People's Republic of Korea had agreed with Japan, in May 2014 in Stockholm, that it would establish a special investigation committee to determine the whereabouts of Japanese abductees and of

[23] Jason Hanna, Joshua Berlinger and Emanuella Grinberg, "Doctors: ex-North Korea detainee Otto Warmbier has severe brain injury", CNN, 16 June 2017. Available from edition.cnn.com/2017/06/15/politics/otto-warmbier-north-korea/index.html.

[24] OHCHR, "US student case is reminder of prison conditions in North Korea — UN rights expert", 16 June 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21761&LangID=E.

[25] OHCHR, "UN rights expert welcomes release of Canadian pastor in North Korea", 11 August 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21960&LangID=E.

persons of Japanese descent in the Democratic People's Republic of Korea. The investigation was interrupted in retaliation against Japan's unilateral measures to sanction the Democratic People's Republic of Korea for the resumption of nuclear tests at the beginning of 2016. In the case of the Republic of Korea, the absence of talks regarding family reunions and the lack of other formal communication channels between the two countries has not allowed for a discussion of abduction cases or their inclusion in the lists of people eligible for reunion, as was the case in the past.

30. Since the end of the Korean War, 129,616 nationals of the Republic of Korea have registered for reunion with their families in the Democratic People's Republic of Korea. A total of 2,325 families have been able to meet their relatives at least once since the Inter-Korean summit, held in June 2000. However, more than half of the applicants for reunions have died without being able to restore contact with their family and the majority of survivors are now over the age of 80.[26] Family reunion events were interrupted as political and military tensions increased in early 2016, which prevented the two countries from agreeing on a timeline for reunions.[27] In a public statement, the Special Rapporteur called on the authorities of the two Koreas to consider the unification of separated families as an entitlement for all survivors and to ensure that reunions go ahead without conditions in order to alleviate the suffering of elderly relatives.[28]

31. The separation of Korean families continues to take new forms and affect new categories of victims. The most recent form of involuntary separation has been caused by a wave of forced repatriations of citizens of the Democratic People's Republic of Korea from China, many of whom have family members in China and the Republic of Korea. The Special Rapporteur received numerous accounts of forced repatriation, including several cases of children under 16 years of age, between December 2016 and July 2017. Civil society organizations have estimated that as at July 2017, up to 200 citizens of the Democratic People's Republic of Korea may have been detained in prisons across China and scheduled for repatriation. Chinese authorities consider nationals of the Democratic People's Republic of Korea who transit through their territory as economic migrants who do not require special protection, except when there are grounds to believe that they are victims of networks trafficking in persons. The Special Rapporteur wishes to pursue the conversation with China further to ensure that those individuals, who risk being tortured and ill-treated if forcibly repatriated, can benefit from the protections to which they are entitled under international human rights law as well as under China's domestic laws.[29] Protection should be guaranteed regardless of the reasons for which people leave the Democratic People's Republic of Korea. The Special Rapporteur urges China to address the challenge on a case-by-case basis, and ensure, in particular, that the principle of non-refoulement applies to all detainees from the Democratic People's Republic of Korea, which is also in line with the recommendations to China and other stakeholders of the 2014 report by the Commission of Inquiry.

[26] OHCHR, "Torn apart".

[27] The recent election of Park Kyung-seo as President of the Republic of Korea National Red Cross is a positive development. He has conducted many humanitarian missions in the Democratic People's Republic of Korea and remains a strong advocate for inter-Korean dialogue.

[28] OHCHR, "UN expert backs moves to restart family reunions within two months", 13 June 2017. Available from www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=21732&LangID=E.

[29] *The 2014 report by the Commission of Inquiry and subsequent* United Nations monitoring established that returnees to the Democratic People's Republic of Korea are systematically subjected to torture and ill-treatment, regardless of the reason for which they leave the country.

32. Among the other forms of family separation that were brought to the attention of the Special Rapporteur, during his last visit to the Republic of Korea, is the case of 12 women from the Democratic People's Republic of Korea. In April 2016, the women arrived in the Republic of Korea from China, where they had been working in a restaurant, along with their male manager. The Democratic People's Republic of Korea accused the Republic of Korea of abducting the group, and it conditioned the resumption of family reunions on their return. In July 2017, the Government of the Democratic People's Republic of Korea reacted in writing to a public statement by the Special Rapporteur urging the resumptions of family reunions,[30] in which it recalled the situation of those women and insisted it considers them as forcibly disappeared. The Special Rapporteur has learned that the women are not held in detention and he continues to monitor their situation. He received conflicting accounts about the circumstances of their departure from China, with some indicating that some members may not have fully consented to a mass escape. The case requires further consideration by the Governments concerned and the welfare of those women and their families should be treated as the priority. The Special Rapporteur will continue to work with the authorities in the two Koreas to ensure that the short and longer-term protection needs of those women and their families, as well as the possibility of restoring contact, are duly considered.

33. During his last visit to the Republic of Korea, the Special Rapporteur met a man who wishes to return to the Democratic People's Republic of Korea, where his wife and son currently live. The man escaped in 2014 and, despite being aware of the risk of being punished for travelling abroad without authorization, is willing to go back to his home country to recover his lost family ties. The Special Rapporteur was also made aware of the case of a woman who wishes to return. As is the case for all citizens of the Republic of Korea, the National Security Act prevents individuals who seek to return from establishing formal contact with the Democratic People's Republic of Korea without approval by the authorities or expressing affinity with the country.[31] The Special Rapporteur recalls that restrictions on the right to freedom of movement must comply with international law and be based on imperative reasons of national security. He calls upon the Republic of Korea to consider cases of persons who wish to return to the Democratic People's Republic of Korea on their individual merit, placing the person's well-being and right to family life above other considerations.

C. Right to food

34. The Democratic People's Republic of Korea remains especially vulnerable to food insecurity. The Food and Agriculture Organization of the United Nations maintains the country on a list of 37 States that require external assistance owing to a chronic shortage in food supply.[32] The International Food Policy Research Institute has categorized the Democratic People's Republic of Korea among States with consistently serious hunger levels, with 41.6 per cent of the population undernourished (2014-2016 reference years) and 17.9 per cent of children who are stunted (2011-2015 reference years).[33] In March 2017, the United Nations country

[30] OHCHR, "UN expert backs move to restart Korea family reunions within two months".

[31] In its concluding observations on the fourth periodic report of the Republic of Korea (2 December 2015) the Human Rights Committee observed that article 7 of the law disproportionately interferes with freedom of opinion and expression. See CCPR/C/KOR/CO/4.

[32] Food and Agriculture Organization of the United Nations (FAO), Global Information and Early Warning System, Countries requiring external assistance for food database, December 2016. Available from www.fao.org/giews/country-analysis/external-assistance/en/.

[33] International Food Policy Research Institute, Global Hunger Index database, available from www.ifpri.org/topic/global-hunger-index.

team found that chronic food insecurity is tied to a range of unmet humanitarian needs. For example, the majority of children under 2 years of age and half of pregnant and breastfeeding women have insufficient dietary diversity. Moreover, 3.5 million people do not have access to safe water, sanitation and hygiene, including in schools and health facilities.[34]

35. The Provinces of North and South Pyongnam and North and South Hwangbuk have been affected by decreased rainfall in the first half of 2017, which may lead to a decrease of 30 to 50 per cent in the yields of some crops. At the end of June, United Nations agencies inspected water reservoirs in South Hwangbuk Province that were reportedly significantly below capacity.[35] The rainfall in July 2017 provided some relief but was too late for the planting season crops to be harvested in autumn, and cereal import requirements are likely to increase in 2017/2018.[36] The drought reportedly resulted in a decrease in government rations, on which 70 per cent of the population currently rely, from 400 g of food per person per day to 300 g, well below the target of 573 g.[37]

36. Chronic deficiencies in the Public Distribution System, a legacy of the 1990s famine, have aggravated food insecurity and pushed the population to adopt new coping mechanisms, using the large and growing informal sector. The situation seems to be especially difficult in the northern provinces that have been affected by cycles of severe drought and flooding in the past few years. A woman from North Hamgyong Province told the Special Rapporteur that "the Public Distribution System is not working and the rationing is not equitable. It has become the duty of everyone to make a living, so some people cultivate food in the mountain and others take more risks by doing business with China". Recent reports regarding the Public Distribution System depict a policy of discriminatory and unequal access to food, with many people either left out of the system or given irregular rations.[38]

37. The Special Rapporteur was informed that, by the end of 2016, the United Nations system had collected $115 million in humanitarian aid for the Democratic People's Republic of Korea, out of a fundraising appeal for $142 million.[39] Reduced interest from donors, as well as unfavourable political circumstances, made it difficult to achieve the target figure. International sanctions are also said to have greatly complicated logistical arrangements to carry out direct financial transfers. The Special Rapporteur appeals to the donor community to maintain its commitment to assist the Democratic People's Republic of Korea, and calls upon the United Nations system to ensure that the sanctions regime does not obstruct the timely delivery of international aid.

[34] Office for the Coordination of Humanitarian Affairs, "DPR Korea needs and priorities", March 2017. Available from reliefweb.int/sites/reliefweb.int/files/resources/DPRK%20Needs%20and%20Priorities%202017.pdf.

[35] Office for the Coordination of Humanitarian Affairs, "Asia and the Pacific: weekly regional humanitarian snapshot (27 June-3 July 2017)", available from http://reliefweb.int/report/philippines/asia-and-pacific-weekly-regional-humanitarian-snapshot-27-june-3-july-2017.

[36] FAO, "Global Information and Early Warning System on Food and Agriculture special alert No. 340. The Democratic People's Republic of Korea", 20 July 2017. Available from reliefweb.int/report/democratic-peoples-republic-korea/faogiews-special-alert-no-340-democratic-people-s-republic.

[37] Office for the Coordination of Humanitarian Affairs, "Asia and the Pacific: weekly regional humanitarian snapshot (18-24 July 2017)", available from reliefweb.int/report/bangladesh/asia-and-pacific-weekly-regional-humanitarian-snapshot-18-24-july-2017.

[38] Korea Institute for National Unification, *White Paper on Human Rights in North Korea 2016* (Seoul, 2016), pp. 261-270.

[39] Briefing by United Nations agencies that have operations in the Democratic People's Republic of Korea, Geneva, 15 March 2017.

38. As the Supreme Leader of the Democratic People's Republic of Korea announced a five-year strategy for economic development in his 2017 New Year address, the Special Rapporteur urges the authorities to duly integrate shortcomings in the Public Distribution System in that strategy, and, in particular, to ensure that food security is considered a priority. Economic planning should carefully balance out subsistence needs with defence and security expenditures, and a specific plan to address chronic malnutrition should be in place to allow the country to fully utilize its human capital. The development strategy should specifically include policies aimed at addressing inequalities in access to food and at assisting vulnerable groups. The Special Rapporteur will support offers of technical assistance that may help the country rework its strategic priorities for economic development.

D. Impact of corruption on human rights

39. A consistent feature in all the testimonies received by the Special Rapporteur is the role of bribes in securing access to public services, seeking employment, travelling or avoiding punishment when one is arrested. Corruption is portrayed as endemic and pervasive, with officials at the central and provincial levels frequently asking people to pay in cash or in kind in order to be allowed to access basic services. There appears to be a correlation between corruption and social exclusion, a connection that could be seen, for instance, in the testimony of a woman who described her experience of the public health system to the Special Rapporteur as follows: "free medical treatment does not exist in practice. People pay doctors with cigarettes, money, or whatever they can give. I was asked to pay to even get a simple injection or a pill". For another man, who was forcibly repatriated from China in 2016, bribing officials in the Democratic People's Republic of Korea was a way of negotiating the terms of his own punishment. He said: "I was detained at a holding centre then transferred to a district level security office, where I was informed that I would be sent to a political prison camp for planning to go to South Korea. So I bribed the prosecutor and the Ministry of State Security officer to be sent to a labour camp instead. I gave them 3000 yuan that I had earned in China". The man left the country again as soon as he was released from detention: "I paid border guards to seek freedom", he added.

40. The rapid growth of the informal sector has reportedly contributed to increased corruption levels, although it has also given more individuals opportunities to enhance their material comfort and adopt a lifestyle of their choosing. Those freedoms are protected under article 6 of the International Covenant on Economic, Social and Cultural Rights, to which the Democratic People's Republic of Korea is a State party. According to a former Pyongyang resident, who spoke with the Special Rapporteur, "all you need to do is pay $100 to a district official every time you need clearance for something: running your own business, living in a particular area, staying in a house". The man managed a company that allowed him to remain part of what he calls "the middle class". His business was profitable enough to allow him to pay Government officials to rent a house, drive a car and travel to other parts of the country. Increased marketization may have opened up more opportunities for people to improve their living standards, but it has also further entrenched corruption and increased inequality.

41. The observation that a civil, political, social or economic right can be "bought" through bribes raises the question of the role that corruption has come to play in society in the Democratic People's Republic of Korea. In particular, the increase in corruption is symptomatic of poorly structured economic, political and social institutions. As the Supreme Leader's five-year strategy for economic development is under way, the Special Rapporteur urges the authorities to recognize

the scope of the challenge while at the same time taking advantage of the rapid growth of the informal sector to consider alternative ways to enable access to public services. The reform may come in the shape of an organized and fair taxation system, the development of commercial laws that reflect the reality of trading activities, or the relaxation of restrictions on freedom of movement.

E. Freedom of information

42. The Democratic People's Republic of Korea maintains a strict system of surveillance on all forms of communication, both within the country and with the outside world. According to non-governmental sources, a network of neighbourhood watches called *inminban* is tasked by the Government to monitor people's radio and television watching habits and report them to the Ministry of State Security.[40] The Special Rapporteur was informed of a recent crackdown on audiovisual materials with foreign content. A former resident of North Hamgyong Province said that Government and local structures of the Workers' Party of Korea tightened their monitoring of the population's access to foreign media in the past few years, especially radio stations. A man from Pyongyang said that he had watched films and television shows from the Republic of Korea with his friends since 2007. He received the material through traders who regularly travel to China. In January 2017, the man was caught during a police raid on his home, and the prospect of receiving a severe punishment, possibly the death penalty, led him to bribe security officers to allow him to escape the country within a few hours.

43. The Special Rapporteur met several people from the Democratic People's Republic of Korea who were computer literate, a skill that seemed to be at odds with a Government policy that prevents them from accessing the Internet. Many people to whom the Special Rapporteur spoke, including those who come from impoverished areas, said that they owned a smartphone when they lived in the country. Whereas some of the phones were acquired in the Democratic People's Republic of Korea at a relatively high price and through a formal registration process with the Government, the majority were manufactured and smuggled in from China. Brokers in border areas reportedly take high commissions to help people make telephone calls abroad, including with relatives in China and the Republic of Korea. Telephone calls are made in mountain areas where people can circumvent Government surveillance and use Chinese mobile networks. As pointed out by OHCHR, those communications are vital for many as they allow them to receive remittances from relatives abroad, but they also place an unfair financial burden on many people and expose them to the risk of receiving harsh prison sentences if they are caught by the authorities.[41]

VI. Conclusions

44. The situation of human rights in the Democratic People's Republic of Korea is complex and changing in some respects. Patterns of grave violations continue to be observed, despite limitations on access to independent human rights monitors. The situation of detainees is of particular concern, as is the condition of citizens abroad who are forcibly repatriated. No progress has been made in investigations to determine the whereabouts of foreign abductees, and political considerations continue to hamper the organization of reunions for families who have been

[40] This system is discussed in detail in Amnesty International, "Connection denied" (London, 2016), p. 42.

[41] OHCHR, "Torn apart".

separated since the Korean War. The rapid development of the informal economy has compensated for some of the structural deficiencies of the Public Distribution System and created loopholes for some people, enabling them to travel or set up a business, but that has come at the cost of rampant corruption. More sections of society seem to have access to information than in the past, despite severe restrictions by the Government on communications within the country and with the outside world. The Democratic People's Republic of Korea has taken recent steps to reach out to United Nations human rights mechanisms and start a discussion on ways to promote and realize certain rights. Other initiatives are also taking place with the support of international non-governmental organizations that are active inside the country. The mixed picture invites an assessment that takes into consideration the possibility to achieve immediate, concrete changes on the ground, using the openings that have been created through those interactions.

45. The rise in military tensions in the Korean Peninsula over the past year has been a serious impediment to dialogue on human rights. The international community should support current efforts to promote engagement with the Democratic People's Republic of Korea and reduce hostilities. Action should also be taken at the regional and international levels to help integrate human rights concerns in the inter-Korean dialogue for the benefit of all people on the Peninsula, not least the thousands of families split across the 1953 armistice line, who long to regain contact. At the same time, the Democratic People's Republic of Korea should give the utmost priority to the subsistence and development needs of its population, which remain largely unfulfilled. The pursuit of conflict prevention and trust-building efforts is critical to help operate the necessary shift in the country's priorities.

46. The call for accountability remains an essential component of advocacy for the protection of people in the Democratic People's Republic of Korea, and the options to hold officials to account are multiple. As discussions on the prospect for international criminal prosecution continue, the Government, through its recent interactions with United Nations human rights bodies, has an opportunity to ensure immediate redress and remedy for certain violations of a grave nature, including human trafficking, torture and ill-treatment in detention, and sexual and gender-based violence. There could also be an opening for a conversation on human rights obligations through the policy of rapprochement that the Republic of Korea is pursuing, or if the Supreme Leader's pledge to tackle corruption and improve governance is to take effect. The Democratic People's Republic of Korea should fully embrace those possibilities, which will serve to ensure freedom and dignity for its people and keep the Government within the sphere of international cooperation. Members of the international community should also support the country through the provision of adequate resources and technical expertise, in line with the principles of the Charter of the United Nations, and press for effective changes in current policies.

VII. Recommendations

47. **The Special Rapporteur recommends that the Democratic People's Republic of Korea:**

(a) **Refrain from using any form of punishment or retaliation against people who are forcibly repatriated;**

(b) **Investigate and hold accountable prison officials, including in the detention centres near the border with China, who use violence against children, men and women returnees from abroad;**

(c) Initiate discussions concerning access to detention facilities by the International Committee of the Red Cross, relevant entities of the United Nations country team, the Office of the United Nations High Commissioner for Human Rights, international human rights mechanisms and relevant civil society organizations;

(d) Abolish restrictions on access to information and communication, both inside the country and with the outside world;

(e) Resume family reunions with the Republic of Korea, and ensure that a fair and transparent system is in place to help relatives in the Democratic People's Republic of Korea sign up for those events;

(f) Resume investigations regarding the abduction of Japanese nationals and include cases of abductions from the Republic of Korea on the agenda of future bilateral talks;

(g) Investigate and hold accountable, in accordance with human rights standards, public officials at the central and provincial levels who accept bribes as the only way to provide people with access to essential public services;

(h) Establish fair criteria for access to food rations and prioritize those in the most vulnerable conditions, including persons in detention;

(i) Continue to cooperate with the Special Rapporteur on the rights of persons with disabilities and reach out to other special procedures of the Human Rights Council to identify possibilities for technical assistance;

(j) Continue to cooperate with treaty bodies, including through regular reporting on the state of implementation of their recommendations;

(k) Use the mandate of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea as a reference point for all cooperation with the United Nations human rights system;

(l) Invite the country mandate holder to carry out a country visit in the near future.

48. The Special Rapporteur recommends that the Republic of Korea:

(a) Continue to pursue engagement efforts with the Democratic People's Republic of Korea by placing the country's human rights obligations high on the dialogue agenda;

(b) Use future openings for cooperation in the economic and humanitarian areas to promote transparency, accountability and non-discrimination in the delivery of public services in the Democratic People's Republic of Korea;

(c) Take steps to facilitate the reunions of separated families using an approach that fully accounts for the rights and protection needs of all persons concerned, also in line with the recommendations of OHCHR.

49. The Special Rapporteur recommends that the United Nations:

(a) Conduct a full assessment of the impact of the Security Council sanctions regime on human rights in the Democratic People's Republic of Korea, with a focus on the extent to which the sanctions may put livelihoods at risk;

(b) Support confidence-building and peacebuilding initiatives with the Democratic People's Republic of Korea, including by Member States and non-governmental organizations, in order to reduce the country's isolation from the international community;

(c) Establish technical assistance programmes with the Democratic People's Republic of Korea, with clear guidelines for monitoring and evaluation and a specific focus on the situation of vulnerable groups;

(d) Set up capacity-building programmes in the Democratic People's Republic of Korea with a view to implementing accepted recommendations from the universal periodic review, from the treaty bodies and other recommendations, including from OHCHR, where relevant;

(e) Promote accountability for human rights violations through practical measures to press for an immediate change in public policies in the Democratic People's Republic of Korea;

(f) Seek an expansion of humanitarian assistance to the most vulnerable groups, including persons in detention.

50. **The Special Rapporteur recommends that civil society organizations:**

(a) Monitor the situation of human rights in the Democratic People's Republic of Korea using the recommendations of the Human Rights Council and treaty bodies as a baseline;

(b) Encourage opportunities for a dialogue on human rights with the Democratic People's Republic of Korea that also includes its neighbours and developing countries in Asia;

(c) For those humanitarian organizations that are operational in the Democratic People's Republic of Korea, continue to build bridges with the authorities, while also identifying and reaching out to the most vulnerable groups among the beneficiaries from technical assistance projects;

(d) Continue engaging with donors and encourage them to support capacity-building initiatives at the intersection of humanitarian assistance, conflict prevention and human rights monitoring.

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Item 115 (d) of the provisional agenda*
Elections to fill vacancies in subsidiary organs and other elections: election of fifteen members of the Human Rights Council

Note verbale dated 8 September 2017 from the Permanent Mission of Spain to the United Nations addressed to the President of the General Assembly

The Permanent Mission of Spain to the United Nations, with reference to the candidature of Spain to the Human Rights Council for the period 2018-2020 in the elections to be held during the seventy-second session of the General Assembly, has the honour to transmit herewith the voluntary pledges and commitments of Spain regarding the promotion and protection of human rights (see annex), pursuant to General Assembly resolution 60/251.

The Permanent Mission would be grateful if the present note and its annex could be circulated as a document of the General Assembly under item 115 (d) of the provisional agenda.

* A/72/150.

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Annex to the note verbale dated 8 September 2017 from the Permanent Mission of Spain to the United Nations addressed to the President of the General Assembly

Candidature of Spain to the Human Rights Council, 2018-2020

Voluntary pledges and commitments pursuant to General Assembly resolution 60/251

1. Spain is firmly committed to promoting and protecting human rights. Its legal system provides enhanced protection for fundamental rights and freedoms, which are interpreted in accordance with the Universal Declaration of Human Rights and the relevant international treaties and agreements ratified by Spain. Such human rights treaties and the Charter of Fundamental Rights of the European Union are part of domestic law and supplement the various rights and freedoms set out in the Spanish Constitution.

2. Freedom, justice and peace are built on respect for the dignity and inalienable rights of all human beings. Spain wishes to contribute, both in its national capacity and as a member of the European Union, to making the world a freer, fairer and more peaceful place. Defending human rights is, therefore, a priority of its international action.

3. Human rights are universal, indivisible and interdependent. No one should be persecuted or discriminated against on the grounds of race, ethnicity, gender, sexual orientation, gender identity, disability, age, religion or belief.

4. Spain has assumed far-reaching human rights obligations. We are a party to eight major international treaties and 10 optional protocols. Spain has accepted the competence of the treaty bodies to receive individual communications in relation to all of the human rights treaties to which it is a party. The human rights policy framework must be strengthened to ensure that human rights are protected and promoted. Spain is up to date with its obligation to submit periodic reports to the various treaty bodies. Spain urges all States to ratify the international human rights treaties.

5. Spain has extended an open and standing invitation to all of the special procedures of the Human Rights Council. Spain responds promptly to communications sent by the special rapporteurs and follows up on the recommendations made following their visits.

6. Spain has consistently supported the work of the special procedures, in particular the mandates of the Special Rapporteur on the human rights to safe drinking water and sanitation, the Special Rapporteur on the rights of persons with disabilities and, more recently, the Special Rapporteur on violence against women, its causes and consequences.

7. Spain submitted its second universal periodic review in January 2015. It received 189 recommendations, of which 169 have been accepted. Spain views the universal periodic review as a fundamental mechanism, the key pillars of which are universality and dialogue.

8. In coordination with its European partners, Spain is committed to driving forward the intergovernmental negotiations of the global compact for safe, orderly and regular migration and the global compact on refugees, which are expected to conclude in 2018. The negotiations are an opportunity to address a challenge that requires cooperation among countries of origin, transit and destination and a comprehensive approach that includes protecting human rights, addressing the root

causes of migrant and refugee flows, such as poverty, conflict and systematic mass violations of human rights, and combating human trafficking and smuggling.

9. Spain has been working actively to prevent and combat trafficking in persons for the purpose of organ removal and organ trafficking, and has championed a number of initiatives intended to strengthen and promote effective action and international cooperation in this area.

10. Spain continues to develop its framework for the protection and promotion of human rights. In July 2017, the first National Plan on Business and Human Rights and the second National Plan on Women, Peace and Security were approved. Spain will continue to strengthen its domestic policy framework in line with its international obligations and commitments with a view to ensuring coherent policy implementation on the ground. Spain is constantly working to improve internal coordination in order to meet its human rights obligations.

11. The Ombudsman (Defensor del Pueblo) acts as a fundamental institutional safeguard for human rights. The Office of Ombudsman is in effect the national human rights institution and is tasked with carrying out the functions of the national mechanism for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, pursuant to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, which came into force in Spain in 2006.

12. Spain believes that civil society has an essential and indispensable role to play in defending and protecting human rights, particularly the work carried out by human rights defenders. Their voices need to be adequately heard in the work of the Human Rights Council.

13. Defending human rights is a fundamental principle of Spanish foreign policy. While Spain strives to improve respect for human rights in all places and circumstances, it is also aware that some degree of pragmatism is needed to advance the promotion and protection of human rights. Spain is committed to participating in the Human Rights Council in the same spirit of dialogue as it did during its recent term on the Security Council in the 2015-2016 biennium. Spain will listen to all countries with a view to advancing human rights. Human rights will continue to be a feature of our bilateral relations and a fundamental point of reference for Spanish development cooperation policy.

14. The fight against impunity for genocide, war crimes and crimes against humanity is a key element of the conflict resolution process. Spain is a party to the Rome Statute of the International Criminal Court and is firmly committed, both financially and politically, to the Court, as evidenced by its efforts to promote the integrity of and universal adherence to the Rome Statute.

15. In the light of the above, Spain is pleased to present its commitments in the following four key areas for action.

Equal human rights for all

16. In order to realize human rights, it is extremely important to protect individuals against all types of discrimination, including extreme forms such as violence. Human rights derive from the dignity and worth of the human person and are, therefore, the same for all. We must strive for the full enjoyment of human rights by all.

17. Spain maintains a firm and active stance in the fight against racism, xenophobia and related forms of intolerance. Up to now, we have been actively involved in the many initiatives and mechanisms launched at various international

conferences to combat racism. For instance, we contributed constructively to the process that led to the Durban Declaration and Programme of Action against racism, racial discrimination, xenophobia and other forms of intolerance and the declaration of the International Decade for People of African Descent (2015-2024), during which Spain is promoting a number of initiatives. At the national level, in 2011 the Government of Spain approved the Comprehensive Strategy against Racism, Racial Discrimination, Xenophobia and Related Forms of Intolerance. In addition, in accordance with the recommendations of various international bodies and the European Union, Spain has strengthened the criminal prosecution of hate crimes, discrimination and incitement to hatred or violence against groups or individuals motivated, among others reasons, by racism or antisemitism or based on religion, ethnicity, race or nationality. At the preventive level, we attach particular importance to raising awareness among young people and schoolchildren about online hate speech and mobilizing them to address it.

18. Spain firmly believes in the importance of intercultural dialogue for preventing and resolving conflicts. Accordingly, it is one of the sponsors of the United Nations Alliance of Civilizations, which is intended to promote understanding and tolerance based on respect for human rights and contribute to conflict prevention.

19. The principle of non-discrimination is at the root of the struggle for gender equality, the protection of women's rights and the empowerment of women. At the national level, Spain has an advanced policy framework with initiatives such as the Strategic Plan for Equality of Opportunities. Women have a key role to play in building peace and promoting development, which is why Spain is pushing for women to participate fully as agents of peace in all stages of conflict, through the promotion of the women, peace and security agenda.

20. On the grounds that sexual orientation and gender identity are entirely private matters, we promote the decriminalization of consensual relations between adults at the global level. Spain has begun work on a national strategy on the rights of lesbian, gay, bisexual, transsexual and intersex persons. In recent years, Spain has taken action to uphold the equal rights of lesbian, gay, bisexual, transsexual and intersex persons in various multilateral forums, such as supporting the mandate of the new Independent Expert on protection against violence and discrimination based on sexual orientation and gender identity, endorsing the fundamental principles of the Equal Rights Coalition and joining the LGBT Core Group.

21. Spain views the promotion and protection of the rights of persons with disabilities as a human rights priority, both domestically and abroad. Spanish legislation is among the most advanced in the area of disability and integration rights, and the Government of Spain has launched a number of specific initiatives within European and international frameworks. Spain was one of the first 10 countries to ratify the Convention on the Rights of Persons with Disabilities and its Optional Protocol. It participated actively in the negotiation processes and was the first State to submit its periodic report to the Committee on the Rights of Persons with Disabilities. Spain promotes collaboration with representative organizations in line with article 4 of the Convention, backs the call for "Nothing about us without us" and facilitates the empowerment of such organizations by providing financial support and increasing the channels for participation.

Democracy and rule of law

22. Human rights, the rule of law and democracy are interrelated and mutually reinforcing. Participation in public affairs is the most visible expression of a democratic regime and is itself recognized as a human right. The existence of an

effective democracy also depends on the establishment and maintenance of a complex framework of rights and freedoms, under which every individual can develop freely. Indeed, the framework should be built on various values, in particular respect for human rights, which should occupy a central place.

23. The right of association, the right of assembly, freedom of expression and the right to information are among the fundamental components of the democratic system. Similarly, a robust civil society is an essential element of a functioning democracy. In this connection, we wish to acknowledge the role of human rights defenders and pay tribute to their bravery, which they are forced to display all too often. The programme for human rights defenders, which is intended to facilitate the temporary reception in Spain of human rights defenders who are under threat or in a high-risk situation as a result of their non-violent efforts to defend universally recognized human rights, is a model in this area.

24. Spain remains firmly opposed to the death penalty and has made abolishing capital punishment one of its foreign policy priorities in the field of human rights. Spain opposes the death penalty in all cases and under all circumstances, regardless of the gravity of the crime, because it believes the death penalty is a cruel, inhuman and degrading form of punishment that has irreparable consequences in the event of a judicial error and does not deter criminal behaviour. As a demonstration of its commitment to abolishing the death penalty, in 2010 Spain helped to establish the International Commission against the Death Penalty, which is based in Madrid and is intended to be a unique instrument in the fight against the death penalty.

Sustainable development

25. The Vienna Declaration and Programme of Action put an end to the artificial distinction between economic, social and cultural rights and civil and political rights by establishing that all of those rights are interdependent and interrelated. Spain has been working hard to promote economic, social and cultural rights, among others, as a member of the Group of Friends of the Optional Protocol to the International Convention on Economic, Social and Cultural Rights.

26. Spain has been one of the international leaders in the promotion of the recognition of the human rights to safe drinking water and sanitation as essential components of the right to an adequate standard of living. The General Assembly adopted by consensus resolution 70/169, which establishes their existence as two distinct but interrelated rights. Human Rights Council resolution 33/10 recalls the devastating impact that the lack of access to drinking water and sanitation has on gender equality and the human rights of women and girls, including their right to education, and on their physical safety.

27. With regard to the matter of business and human rights, at the multilateral level Spain has supported the consensual way forward initiated by the adoption of Human Rights Council resolution 17/4, by which the Council endorsed the Guiding Principles on Business and Human Rights. At the national level, the National Business and Human Rights Action Plan was adopted on 28 July 2017. The Action Plan reflects the commitment of Spain to prevent business activities from infringing human rights in any way and to provide any victims with an effective remedy.

28. The 2030 Agenda for Sustainable Development is State policy in Spain. The Sustainable Development Goals provide an appropriate framework for reducing inequalities. The new sustainable development agenda is relevant to human rights, both economic, social and cultural rights, and civil and political rights. Spain is implementing a high-level governmental mechanism to incorporate the Goals into all of its national public policies, international action and development cooperation

in a determined and coherent manner. It will provide an update on its progress at the high-level political forum on sustainable development in July 2018.

Dialogue, cooperation and efficiency

29. Cooperation between States, international and regional organizations and civil society is critical to the promotion and protection of human rights. Spain considers that it would be appropriate to establish channels for collaboration and dialogue with civil society organizations with a view to including their contributions in human rights initiatives.

30. Spain considers the dialogue and cooperation on which the work of the Human Rights Council is based to be the appropriate means for preventing human rights violations. Spain will maintain open communication with States members and non-members of the Council in addressing issues of relevance through a generous and transparent information policy.

31. Spain is firmly convinced of the need for an effective multilateral system for the protection and promotion of human rights. Spain has contributed constructively to the effective functioning of the Human Rights Council since it was first established, plays an active role in its sessions and is convinced that the Council should continue to give attention to the most serious situations of human rights violations in specific countries. It considers that the Council should enhance its role in prevention and in helping States members to fulfil their commitments, and that it should make use of all of the mechanisms that have been made available to it.

32. Given that prevention also includes early warning and early action, it is necessary to enhance the channels of communications between the Human Rights Council and the Security Council. During its term as a member of the Security Council (2015-2016), Spain actively defended the practice of the Security Council giving the necessary attention to human rights issues, as respect for human rights is a prerequisite for peace. It also emphasized the importance of prevention and of combating impunity in cases of human rights violations, promoted the inclusion of human-rights language in mandates during the mandate negotiation process, contributed to the work on children and armed conflict and on women, peace and security, which both have a clear human rights component, contributed to the human rights components of peace operations and supported the practice of the United Nations High Commissioner for Human Rights and the Under-Secretary-General for Human Rights reporting regularly to the Security Council. Spain initiated the first Security Council meeting on the responsibility to protect, which encourages prevention and early warning, in the conviction that large-scale, systematic human rights violations, which are themselves unacceptable, can also lead to genocide, war crimes, ethnic cleansing and crimes against humanity.

33. Spain is of the view that a multilateral system that is not fully universal is undemocratic, as it restricts the basic right to participation in the common responsibility to promote the purposes of the Charter of the United Nations. Such a system cannot be effective. Spain contributes to the Voluntary Technical Assistance Trust Fund to Support the Participation of Least Developed Countries and Small Island Developing States in the Work of the Human Rights Council, as it is convinced that the legitimacy of the United Nations would be seriously undermined if some countries struggled to participate adequately in its work.

34. Spain is fully committed to the mandate and independence of the United Nations High Commissioner for Human Rights and his Office.

Commitments

35. As a candidate for election to the Human Rights Council for the period 2018-2020, Spain makes the following voluntary commitments:

(a) At the national level, Spain commits to continuing its work to consolidate solid democratic institutions, guarantee the right to equal, effective participation in political life and public affairs for all citizens and strengthen the democratic rule of law. At the international level, Spain will continue to support and participate in electoral observation missions and, through its development cooperation policy, to provide political, technical and financial support for the establishment and strengthening of institutions that make up democratic regimes.

(b) In the context of its bilateral and multilateral external relations, Spain will maintain its firm opposition to the death penalty and will pursue its universal abolition and, as an intermediate step, the establishment of moratoriums on its use. It will focus its efforts on ensuring respect for minimum international standards, including the prohibition of the application of the death penalty to minors and persons with intellectual disabilities, the reduction in the number and types of offences for which the death penalty may be applied and the guarantee of a fair trial. Spain will continue to provide political and financial support for the activities of the International Commission against the Death Penalty.

(c) Spain will maintain its commitment to victims of terrorism and advocate for the recognition of the role they can play in the international arena.

(d) Spain will continue to promote concrete action to help eliminate all forms of discrimination, hate and intolerance and will revise its comprehensive strategy against racism, racial discrimination, xenophobia and related intolerance in 2018 in order to address needs that have arisen as a result of social changes. The revised strategy will also include assessment indicators.

(e) Spain commits to continuing to work towards fully mainstreaming a gender perspective as a cross-cutting element of all of the work of the Human Rights Council, promoting coordination between the Human Rights Council and the Committee on the Elimination of Discrimination against Women and promoting collaboration between the Council and other United Nations bodies, such as the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women).

(f) Spain will continue to actively support multilateral initiatives to combat discrimination on the grounds of sexual orientation and gender identity and will continue to promote equal rights for lesbian, gay, bisexual, transgender and intersex persons.

(g) Spain will continue to further the full realization of the rights of persons with disabilities through an inclusive and participatory approach. In that connection, it will promote the ratification and implementation of the 2006 Convention on the Rights of Persons with Disabilities and support the work of the Office of the Special Rapporteur on the rights of persons with disabilities.

(h) Spain will continue to promote the protection of human rights defenders and to support the work of the Special Rapporteur on the situation of human rights defenders on countering impunity, combating the criminalization of human rights defenders and enhancing strategies to legitimize the activities of those persons.

(i) Spain will continue its work on the promotion and protection of economic, social and cultural rights. It commits to continuing its efforts to promote respect for the human rights to safe drinking water and sanitation, and to

contributing to the effective realization of those rights through its development cooperation policy, in particular through its Cooperation Fund for Water and Sanitation.

(j) Spain commits to implementing its National Business and Human Rights Action Plan through the establishment of the monitoring commission envisaged in the document and the implementation of the measures it sets out to put each of the Guiding Principles into effect.

(k) Spain commits to making the 2030 Agenda for Sustainable Development a priority by placing it at the heart of its national and international public policies and working, along with all other countries, to bring about the reforms necessary for its effective implementation.

(l) The Fifth Master Plan for Spanish Cooperation will take a human-rights based approach and pay particular attention to gender equality, persons with disabilities, lesbian, gay, bisexual, transgender and intersex persons, people of African descent and the rights of indigenous peoples. With regard to indigenous peoples, the work being done under the indigenous programme of the Spanish Agency for International Development Cooperation will continue.

(m) Spain commits to continuing to promote international initiatives such as the Summit of Religious Leaders for Peace in the Middle East in order to promote tolerance, peaceful coexistence and interreligious dialogue as a means of combating incitement to hatred, radicalization and extremism.

(n) With regard to the third universal periodic review cycle, which began in 2017, Spain will continue to participate actively in the reviews and intends to support the initiatives undertaken to ensure their consolidation and effectiveness in practice by, inter alia, establishing national mechanisms for follow-up on the recommendations, which it will take into account in bilateral dialogues with other countries and in regional dialogues.

(o) Spain will continue its work in pursuit of agreements through effective dialogue on human rights in the context of the Human Rights Council, with a view to enhancing the capacity of Member States to fulfil their human rights obligations and ensure their cooperation with the mechanisms of the Council.

(p) Spain will continue to work to strengthen the Human Rights Council and will contribute to the consideration of how best to enhance the Council's prevention role and cooperation with States in order to increase its effectiveness in the protection and defence of human rights.

(q) Spain will continue to support the participation of civil society organizations in the sessions of the Human Rights Council and the relevant collaboration mechanisms established by States.

(r) Spain will continue to support the work of the special procedures and encourage all States to accept the country visit mechanism and cooperate with rapporteurs, experts and working groups.

(s) Spain commits to continuing to support the Office of the United Nations High Commissioner for Human Rights, as a voluntary donor, and to ensuring that the Office's independence is respected and defended.